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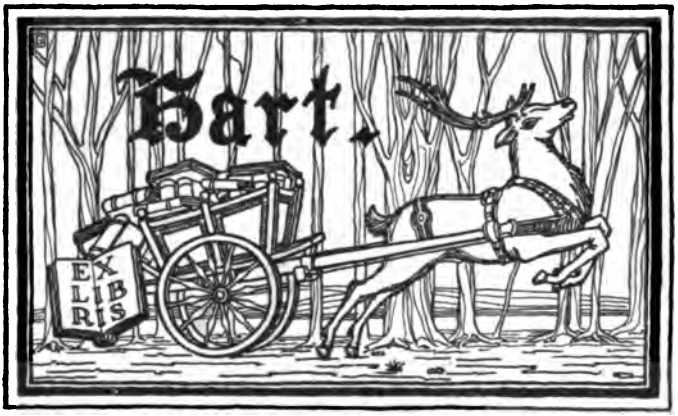

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THE

AMERICAN DIPLOMATIC CODE,

EMBRACING A COLLECTION OF

TREATIES AND CONVENTIONS

BETWEEN THE UNITED STATES AND FOREIGN POWERS:

FROM 1778 TO 1834.

WITH AN

ABSTRACT OF IMPORTANT JUDICIAL DECISIONS,

ON POINTS CONNECTED WITH

Our Foreign Relations.

ALSO,

A CONCISE DIPLOMATIC MANUAL,

CONTAINING A SUMMARY OF THE

LAW OF NATIONS,

FROM THE WORKS OF

Wicquefort, *Martens*, *Kent*,
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AND OTHER

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AND FOR ALL OTHERS HAVING OFFICIAL OR COMMERCIAL INTERCOURSE WITH FOREIGN NATIONS.

BY JONATHAN ELLIOT.

"It would be exceedingly to the discredit of any person, who should be called to take a "share in the councils of the nation, if he should be found deficient in the great leading "principles of International Law."—*Kent's Commentaries on American Law.*

IN TWO VOLUMES.—VOLUME THE FIRST.

WITH NOTES AND INDEXES.

Washington:

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These Volumes

CONTAINING A COMPILATION

ON AMERICAN CONVENTIONAL LAW,

ARE RESPECTFULLY INSCRIBED,

TO THE HONORABLE LOUIS McLANE,

SECRETARY OF STATE,

AS A MARK OF ESTEEM FOR HIS PUBLIC SERVICES AND PRIVATE WORTH,

BY HIS OBEDIENT SERVANT, AND FELLOW CITIZEN,

J. ELLIOT.

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PREFATORY OUTLINE

OF

THE PLAN OF THE AMERICAN DIPLOMATIC CODE.

The inconvenience of having our National Treaties and Conventions scattered through a number of volumes and pamphlets, must be felt by all those, who, from official duty, inclination, or interest, are led to consult the stipulations of our Diplomatic Code. It has, therefore, occurred to the compiler, that a *complete collection*, methodically arranged, and accurately printed, would be extremely useful and convenient, in examining or adjusting Treaty Engagements, or in comparing the provisions of one Convention with another; which heretofore could only be investigated by reference to various sources, not always accessible to public men, on the pressure of the moment. In thus endeavouring to abridge the labour of research, the compiler believes he may have performed an acceptable service in the production of his *Book of Treaties*—a labour which our elevated rank in the family of Nations, and our extensive political and commercial intercourse, with various parts of the globe, evidently demands. In Great Britain, in France, and in most of the other governments of Europe, great care has been taken to gather and to preserve, in a distinct and convenient form, collections of treaties, comprehending vast and valuable bodies of International Law,

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of paramount utility to the Negotiator and the Statesman, and both curious and interesting to the learned.*

If we may judge from the bulk of the materials, composing these volumes, we have already reached that period of our national existence when a similar labour ought to be performed, not only for ourselves, but for the benefit of other independent political societies, and of posterity.

In relation to the plan of this collection it was thought proper to arrange and print the Treaties of the United States, at large, under three distinct heads—

First—The Treaties concluded between the United States, and the Nations of Europe, from 1778 to 1834:

Second—The Treaties, Conventions, and Agreements, concluded with the Barbary Powers; and with the Ottoman Porte:

And *Third*, the Treaties concluded with Mexico, and the New Nations of South America.

In this classification, chronological order, with each power, has been preserved: for instance, commencing with France, (the first nation with whom we had diplomatic intercourse) *all* our treaties with that nation, from '78 to the present time, have been inserted in the order of their dates; and those with other governments follow. In general, where treaties have been negotiated, in two languages, *both* are presented in opposite pages; not only for the satisfaction of those, who may find it necessary to consult a copy of the original, but also for the satisfaction of foreign ministers, who may prefer perusing these public instruments in that dress. It is important for another reason, to preserve both languages, in order that the reader may arrive at the literal meaning of doubtful stipulations, where difference

* See Note at the end of the introductory articles.

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of opinion may arise "upon the construction* of the text of an article as it stands" Hence the judgment is left free, unbiassed, and independent of the trammels of translation. The plan, thus chalked out, has been pursued as far as the materials of the collection would admit.

Immediately accompanying the Treaties and Conventions such official documents are inserted in the body of the work, as have an intimate connexion with the subject: for example, the correspondence of the Emperor of Russia, on the St. Peters-

* "Treaties, conventions, agreements, are all public engagements, in regard to which there is but one, and the same right, and the same rules.

"The promises, the conventions, all the private contracts of the sovereign, are naturally subject to the same rules as those of private persons. If there arises any difficulty on this account, it is equally conformable to prudence, to the delicacy of sentiment that ought to be particularly conspicuous in a sovereign, and to the love of justice, to cause them to be decided by the tribunals of the state: this is the practice of all the states that are civilized and governed by laws.

"In concessions, conventions, and treaties, in all contracts, as well as in the laws, it is impossible to foresee and point out all the particular cases that may arise: we appoint, we ordain, we agree upon certain things, and express them in a general view; and though the expressions of a treaty should be perfectly clear, plain, and determinate, the true interpretation would still consist, in making, in all the particular cases that present themselves, a *just application* of what has been decreed in a general manner. But this is not all, conjunctures vary and produce new kinds of cases, that cannot be brought within the terms of the treaty, or the law; but by inductions drawn from the general views of the contracting powers, or of the legislature. Contradictions, and inconsistences, either real or apparent, present themselves with respect to different articles; and the question is, to reconcile them, and to shew the part that ought to be taken.—*Vattel.*

Vide The case of his imperial Majesty's Award, under the *first* article of the Treaty of Ghent.—Vol. I, p. 298.

See, also, the case of United States, v. Percheman.—7 Peters' R. 51, on the construction of the Treaty with Spain, in 1819—and

The Award of the King of the Netherlands, as Arbitrator under the *Fifth* Article of the Treaty of Ghent, on the subject of the N. E. Boundary.—Vol. I, p. 320.

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burg Convention of the $\frac{30\text{th June,}}{12\text{th July,}}$ 1822—the decisions under the *fourth* and *sixth* articles of the Treaty of Ghent, respecting the Boundary—the grants annulled by the Spanish Treaty of February 22, 1819. These official papers, among others, follow the respective Conventions to which they refer; so that they may be, at once, consulted, without turning to the pages in another part of the work.

In the collection of *South American* Treaties, concluded with the United States, will be found, the Conventional Law upon which we have founded our political intercourse with these new and rising nations.* The basis, upon which they were negotiated

* The letter, promulgated by the Pope, granting to the Spanish crown, so large a portion of the American hemisphere, is worthy of notice—the compiler alludes to the *Bull* of *Alexander* VI., by which he gives to Ferdinand and Isabella, king and queen of Castile and Arragon, the *New World* discovered by Christopher Columbus :

" Motu proprio, says the Pope, non ad vestram, vel alterius pro vobis super hoc " nobis oblatæ petitionis instantiam, sed de nostra meraliberalitate, et ex certa scientia, " ac de apostolicæ potestatis plenitudine, omnes insulas et terras firmas, inventas, et " inveniendas, detectas et detegendas versus occidentem et meridiem," (drawing a line from one pole to the other, at an hundred leagues to the west of the Azores) " auctori- " tate omnipotentis dei nobis in beato Petro concessa, ac vicariatus Jesu Christi, qua " fungimur in terris, cum omnibus illarum dominiis, civitatibus, &c. vobis hæredibus- " que successoribus vestris Castellæ et Legionis regibus in perpetuum tenore præsen- " tim donamus, concedimus, assignamus, vosque et hæredes ac successores præfatos " illorum Dominos cum plena, libera et omnimoda potestate, auctoritate et jurisdictione " facimus, constituimus et deputamus." The Pope excepts only what might be in the possession of some other Christian prince, before the year 1493. As if he had the greatest right to give what belonged to nobody, and especially what was possessed by the American nations, he adds:—Ac quibuscunque personis cujuscunque dignitatis, " etiam imperialis et regalis, status, gradus, ordinis, vel conditionis sub excommuni- " cationis latæ sententiæ pœna, quam eo ipso, si contra fecerint, incurrant, districtius " inhibemus ne ad Insulas, et Terras Firmas inventas et inveniendas, detectas, et de- " tegendas, versus occidentem et meridiem—pro mercibus habendis, vel quavis ali a " de causa accedere præsumant absque vestra, ac hæredum et successorum vestrorum " prædictorum licentia speciali, &c. Datum Romæ apud S. Petrum anno 1493, nonas " Maji, Pontific nostri anno 1°."—*Leibnitii Codex Juris Gent. Diplomat.*, 203.

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on our part is worthy of observation. The first was concluded with the republic of Colombia, in accordance to the general instructions to Richard C. Anderson, the first Minister Plenipotentiary to that republic. These instructions framed prior to entering on the negotiation which resulted in the ratification of the above treaty, are important as containing a review of the principles upon which the United States, were governed in the conclusion of that instrument.

"The only object," says the Secretary of State (Mr Adams) to Mr Anderson, "which we shall have much at heart in the negotiation, will be the sanction, by solemn compact, of the broad and liberal principles of *independence, equal favors, reciprocity.* With this view I recommend to your particular attention the preamble, and first four articles of the first treaty of amity and commerce between the United States and France, concluded on the 6th of February, 1778. The preamble is believed to be the first instance on the Diplomatic Record of Nations, upon which the true principles of all fair commercial negotiations, between Independent States were laid down and proclaimed to the world. That preamble was to the foundation, of our commercial intercourse, with the rest of mankind, what the Declaration of Independence was to that of our internal Government. The two instruments were parts of one and the same system, matured by long and anxious deliberation of the founders of this Union in the ever memorable Congress of 1776; and as the Declaration of Independence was the fountain of all our municipal institutions, the preamble to the Treaty with France laid the corner stone for all our subsequent transactions of intercourse with foreign nations. Its principles should be, therefore, deeply impressed upon the mind of every statesman and negotiator of this

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Union, and the first four articles of the Treaty with France contain the practical exposition of those principles, which may serve as models for insertion in the projected Treaty, or in any other, that we may hereafter negotiate, with any of the rising Republics of the South." Further—"Let Colombia look to *commerce* and *navigation*, and not to *empire*, as her *means* of communication with the rest of the human family. *These* are the *principles* upon which *our* confederated Republic is founded, and they are those upon which we hope our sisters of the southern continent will ultimately perceive it to be for their own welfare, no less than for that of the world, that they should found themselves."

A clear and forcible writer has remarked that our diplomacy may be termed, altogether, of a commercial character; at least, its legitimate origin being in commerce, our treaties, for the most part, have consisted of arrangements for the regulation of trade and navigation. In this particular course of negotiation the United States have, in modern times, taken the lead, though they cannot lay claim to the honour of having been the authors of the system, which, indeed, may be traced back to the Congress of Utrecht, an æra, remarkable, in the commercial history of the world, for the excellence and liberality of the maritime principles and regulations there consecrated by treaty stipulations. But, even, if the United States were not the first to convert diplomacy to purposes of commerce, or, (a more recent invention) to propose the principle of reciprocity as the basis of commercial conventions, they are certainly entitled to the applause of having first resisted the arbitrary features of the English navigation laws. The war of the revolution was itself, in some degree, connected with commerce, and the United States having become

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independent, soon after the establishment of the Federal Government declared their determination of trading only on equal terms. They assailed, and, finally, with success, the navigation laws of the mother country, by countervailing duties; and as they were the earliest foes of that system, they have reaped the first and greatest benefits from its partial downfall.

In the collection of *Foreign Treaties*, and in the *Appendix* will be found the *Declarations of Independence*, and the principal part of the DIPLOMATIC LAW of *the South American States:* under the latter head is included a list of Conventions, not printed at large in the work, being simply models of those inserted with the necessary variations in the phraseology. The various commercial treaties with the Powers of Europe, by which their national independence was recognized, and the several Conventions between the individual States of South America, their treaties of "Perpetual Union, League, and Confederation," of "Friendship and Alliance," of "Commerce and Navigation," &c., form, it is believed, the *body of Diplomatic Law* of the South American States, so far as official documents have promulgated their conventions. The aim of this collection being to present the Conventional Law of America, at large, must certainly confer additional value on this Code.

The LAW enacted by the United States "fixing the compensation of public Ministers and Consuls;" the Law respecting the "Privileges of Foreign Ministers;" the acts "concerning Consuls and Vice Consuls," and the "Deposite of Foreign Consular Papers," are inserted at large. The various laws relating to discriminating duties on tonnage, &c. to Navigation, to passenger vessels, to British American and West India Intercourse, to Piracy, and to the regulation of our foreign trade, are also added.

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On the important question of the *Slave Trade*, the successive acts of March 1794, May 1800, February 1803, March 1807, April 1818, March 1819, and the highly important act, May 1820, which it has been justly remarked, received from England the well deserved praise of being the most vigorous measure, yet devised for the entire suppression of the traffic, are given in this part of the work.

In relation to the collection of *Foreign Treaties*, the great French work, the "*Corps Universel Diplomatique du Droit des Gens*," has been occasionally consulted; but the compiler is aware that, in the present day, it is now chiefly looked into more for curiosity, than for daily use. *Barbeyrac* has also been used in this part of the plan. *Chalmers's* collection, a work of high standing in Europe, *Jenkinson's* Treaties, and *Hertslet's* Treaties, are of great practical use, and have been also employed in making up this collection, beginning with the treaty of Utrecht, and closing with the pacification of Greece and the treaty of Adrianople, which opened, to all nations, the Navigation of the Black Sea.

The *Congress* of *Vienna* will probably form a most important epoch in the annals of Diplomacy. On the question of the Slave Trade, the *opinions* of the Cabinets of Europe are full of interest to the nations of America. On that account, the Declaration of the Eight Powers that signed the treaty of Paris has been preserved entire; the opinions of the leading Cabinets of Europe on the same question are also interesting to this hemisphere.*

* *Extract from the Conferences held by the Five Powers, at Aix la Chapelle, Nov.* 1818. OPINION *of the Russian Cabinet* — "There is no object in which his Imperial Majesty takes a more lively interest, and which he has more at heart, than that the decision upon this question may be conformable to the precepts of the Christian religion,

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The abstract of *Judicial Decisions*, on points connected with our Foreign Relations, is next in order.

As it was not intended, to form a system, or connected treatise of National Law, but only to serve merely as *an Index* to the various books in which THE DECISIONS are to be found, it was thought that the form of an Index would be more useful than an attempt to reduce the cases to a system: the facility

to the wishes of humanity, and to the rights and real interests of all the Powers invited to assist therein.

"It is only when this abolition (of the slave trade) shall have been thus solemnly declared, in all countries, and without reserve, that the powers shall be able to pronounce, without being checked by distressing and contradictory exceptions, the general principles which shall characterise the trade, and place it in the rank of the *deepest* crimes.

"It would denounce, as a fundamental principle, a law characterising this odious traffic, as a description of *piracy*, and rendering it punishable as such. No maritime nation should refuse to submit its flag to the police of the right of search."

Of the French Government—"It cannot but fear (speaking of the suppression of the slave trade) that the idea of a compulsory sacrifice might attach to the concession in submitting to the reciprocal right of visit." "The immediate consequence of such an institution would be to withdraw the subjects of H. M. from their natural judges," as they "would pass under a foreign jurisdiction."

The *Austrian Cabinet*, concurs in the *opinion* that "a system of permanent surveillence" may effect the suppression of the traffic, and "put an end to the slave trade."

The *Prussian Cabinet*—on the slave question, "cannot dissemble the inseparable inconveniences of the concession of the right of visit on the high seas"—it might "become too easily a source of abuse and misunderstanding."

"The dissenting powers, [the United States and France] hoped that the *opinion* hitherto given, on the part of their respective cabinets would form no obstacle to the adoption on their part of that measure [the suppression of the slave trade.]

On the subject of these *opinions*, in conclusion, Lord Castlereagh writes, to Lord Bathurst, on the 10th December, 1818, that he "ventures to indulge an expectation that the French Government may be brought, at no distant period, to unite their naval exertions with those of the other allied powers for the suppression of the illicit trade, under the modified regulations submitted for this purpose to the Plenipotentiaries assembled at Aix la Chapelle."

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of *reference* being the only object. The whole will be found, however, to be somewhat systematically arranged in THE INDEX which accompanies THE ABSTRACT; and which will enable a person at once to read, in connexion, all that is to be found upon any one subject.

It is believed that THE ABSTRACT contains all the important Decisions, in any manner affecting our FOREIGN RELATIONS, and the *Rights* of *Belligerents*, *Neutrals*, and *Aliens*, which are to be found in the REPORTS of DALLAS, CRANCH, WHEATON, BEE, PETERS, GALLISON, WASHINGTON, CAINES, JOHNSON, BINNEY, YEATES, DAY, and the MASSACHUSETTS TERM REPORTS. The utility of this part of the plan was suggested by a distinguished citizen; and it is hoped that it will answer the purpose for which it is intended.

"A CONCISE DIPLOMATIC MANUAL" follows next. It is presumed that it embraces much useful matter, condensed from the *Law* of *Nations*,* touching the Rights, Ceremonies, Functions, &c., of Public Ministers and Consuls, from Wicquefort, Vattel, Ward, Martens, and other established authorities.

* The law of Nations is the law of sovereigns. It is principally for them, and for their ministers, that it ought to be written. All men are indeed interested in it; and the study of its maxims are, *in a free country*, proper for every citizen.—The Law of Nations is as much above the civil law in its importance, as the proceedings of nations and sovereigns surpass in their consequences those of private persons. *Vattel*

GROTIUS † has justly been considered as the father of the Law of Nations; and he arose, like a splendid luminary, dispelling darkness and confusion, and imparting light and security to the intercourse of nations. It is said by Barbeyrac, that Lord Bacon's works first suggested to Grotius the idea of reducing the Law of Nations to the certainty and precision of a regular science. Grotius has himself

† The work of Grotius, says Ward, became very early the favorite study of the Great Gustavus, who is said to have found as much pleasure from it, as Alexander found from reading the Poems of Homer, and who proved his admiration of the author, by ordering him to be called to the public employments of Sweden.

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From official papers, recently issued from the Department of State at Washington, are introduced "Personal Instructions to the Diplomatic Agents of the United States, in Foreign Countries; and General Instructions to the Consuls* and Commercial Agents:

fully explained the reasons which led him to undertake his necessary, and most useful, and immortal work.

His object was to digest, in one systematic code, the principles of public right, and to supply authorities for almost every case in the conduct of nations; and he had the honor of reducing the Law of Nations to a system, and of producing a work which has been resorted to as the standard of authority in every succeeding age.

Among the disciples of Grotius, PUFFENDORF has always held the first rank. His work went more at large into the principles of natural law, and combined the science of ethics, with what may be more strictly called the Law of Nations. It is copious in detail, but of very little practical value in teaching us what the Law of Nations is at this day. It is rather a treatise on moral philosophy, than on International Law, and the same thing may be said of the works of WOLFIUS, BURLEMAQUI and RUTHERFORTH. The summary of the Law of Nations by Professor MARTENS is a treatise of greater practical utility, but it is only a very partial view of the system, being confined to the customary and conventional Law of the modern Nations of Europe. BYNKERSHOECK'S treatise on the law of war has always been received as of great authority, on that particular branch of the science of the Law of Nations, and the subject is ably and copiously discussed. The work is replete with practical illustration, though too exclusive in its references to the ordinances of his own country, to render his authority very unquestionable.

The most popular and most elegant writer on the Law of Nations is VATTEL, whose method has been greatly admired. He has been cited, for the last half century more freely than any one of the public jurists, but he is very deficient in philosophical precision: his topics are loosely, and often tediously and diffusively discussed; and he is not sufficiently supported by the authority of precedents, which constitute the foundation of the positive Law of Nations. *Kent's Com.*

**President's Mess. Dec.* 3, 1833—"I deem it proper to recommend to your notice the revision of our consular system. This has become an important branch of the public service, inasmuch as it is intimately connected with the preservation of our national character abroad, with the interest of our citizens in foreign countries, with the regulation and care of our commerce, and with the protection of our seamen. At the close of the last session of Congress I communicated a report from the Secretary of State upon the subject, to which I now refer, as containing information which may be useful in any inquiries that Congress may see fit to institute with a view to a salutary reform of the system."

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also extracts from the Commentaries of Judge *Story*, and of Judge *Kent*, on Consular Duties and Powers. These authorities, emanating from legal talent, of such exalted character, it is believed may prove acceptable on the subject of international law. Extensive Notes, on Consular Functions, are appended, from *Warden's* work, published at Paris, in 1811.

Diplomatic Writings—The Papers composing this head will be found to furnish extracts from the most important portions of the official communications of the Diplomatic Agents of the United States, from Silas Deane's departure for Europe in 1776, to the peace of 1783; from thence to the period when the Federal Constitution went into operation in 1789: and from that time, to the present day. Most of this correspondence was produced by our greatest men, on Diplomatic subjects, every way worthy of their talents.

In this way the compiler has endeavoured to bring out the great principles, and the weightiest doctrines, of international law, which have governed our foreign relations, from the period of our independence, down to the present time, and which may still serve to guide all our *future* diplomatists; because these principles and doctrines have given an elevated tone to our foreign negotiations, and have now become wrought into our political system.* Subsequent statesmen may also see, by looking at our foreign correspondence, as in a diplo-

* In a letter to Mr Adams, Mr Jefferson, in the 4th vol. of his Writings, remarks—"On the conclusion of peace, Congress, sensible of their right to assume independence, would not condescend to ask its acknowledgment from other nations, yet were willing, by some of the ordinary *international* transactions, to receive what would imply that acknowledgment. They appointed commissioners, therefore, to propose *treaties* of *commerce* to the principal nations of Europe. I was then a member of Congress, was of the committee appointed to prepare instructions for the commissioners, was, as you suppose, the draughtsman of those actually agreed to, and

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matic mirror, how far they have pursued the same track which has hitherto shed so much lustre, in the eyes of foreign nations, on the national character, and views of Americans. Seeking nothing [in the language of a sound Republican maxim embodied in a message to Congress] that is not right, and determined to submit to nothing that is wrong; but desiring honest friendship, and liberal intercourse, with all nations, the United States have gained, throughout the world, the confidence and respect, which are due to a *policy* liberal, just in itself, and congenial to the character of the American people, and to the spirit of their institutions.

was joined with your father and Doctor Franklin, to carry them into execution. But the stipulations making part of these instructions, which respected *privateering*, *blockades*, *contraband*, and *freedom of the fisheries*, were not original conceptions of mine. They had before been suggested by Doctor Franklin, in some of his papers in possession of the public, and had, I think, been recommended in some letter of his to Congress. I happen only to have been the inserter of them in the first public act which gave the formal sanction of a public authority. We accordingly proposed our treaties, containing these stipulations, to the principal governments of Europe. But we were then just emerged from a subordinate condition; the nations had as yet known nothing of us, and had not yet reflected on the relations which it might be their interest to establish with us. Most of them, therefore, listened to our propositions with coyness and reserve; old *Frederick* alone closing with us without hesitation. The negotiator of *Portugal*, indeed, signed a treaty with us, which his government did not ratify, and *Tuscany* was near a final agreement. Becoming sensible, however, ourselves, that we should do nothing with the greater powers, we thought it better not to hamper our country with engagements to those of less significance, and suffered our powers to expire without closing any other negociation. *Austria* soon after became desirous of a treaty with us, and her ambassador pressed it often on me; but our commerce with her being no object, I evaded her repeated invitations. Had these governments been then apprized of the station we should so soon occupy among nations, all, I believe, would have met us promptly and with frankness. These *principles* would then have been established with all, and from being *the conventional law* with us alone, would have slid into their engagements with one another, and become general.

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From the nature of our communication with foreign governments, the frank and independent spirit which animates our free institutions, there cannot, properly speaking, be any written forms, for conducting our diplomatic intercourse, as may be the case among the ancient governments of Europe, and which the Manual of Martens has prescribed. But it must be apparent to every disciplined and enlightened negotiator, that many of his FORMS are only the rudiments of a subordinate school of Diplomacy, and ill adapted for public men of distinguished talents, of enlarged views, or long experience, who are not accustomed to bind themselves to very precise formalities in grave matters of official intercourse with the government near which they are accredited. Hence, it is probable, that the success of Negotiators, in the present age, may have arisen, not only from sounder views of national policy, and a due share of learning and sagacity, but from a more free PRACTICE and constant exercise in a course of Diplomatic Writing: —regarding forms, for the most part, as vague and uncertain guides; and, of course, where points of public law and national policy are to be discussed, of little use. It has been, however, remarked, that for the discharge of official duties, so exalted, and, at the same time, so diversified, no rules of instruction can be established, or particular study pointed out.—

"*Humani nihil a me alienum puto,*"

must be an appropriate motto, for every negotiator. On an attentive examination of our Diplomatic Correspondence, the intelligent reader cannot fail to observe, in a remarkable degree that, with a cautious and subdued, but agreeable style, the main points, to be enforced, or guarded, in penning their official com-

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munications, are generally kept uppermost—which, certainly, constitutes a real excellence in the art of Diplomatic Writing.

The official papers embraced within the scope of this division of the work are multifarious and extensive; and hence the difficulty of bringing the selection within any reasonable compass. But enough it is believed has been embodied, not only to aid the Diplomatist in his labours, but to throw considerable light on the course of our negotiations; disclosing in most instances the hinge, or turning point, on which the success of the mission or the business in treaty, has depended.

In these specimens of diplomatic writing, leading topics only are chosen; as for instance our early negotiations at the court of Versailles, which gave birth to the two important treaties of 1778, followed by interesting negotiations at other European courts, in an acknowledgment of independence—the first treaties concluded with Holland, with Sweden, and with Prussia—the Peace of 1783—Ceremony on the Reception of Foreign Ministers, by the Revolutionary Congress—Audiences of Leave, &c. —Proclamation of Neutrality, in 1793—Abortive Negotiations, with the French Directory—Purchase of Louisiana—most of the Questions that grew out of the depredations on Neutrals—the Right of Search—Blockades—Neutral Rights—Contraband —Orders in Council—French Decrees—War of 1812—Fisheries—Colonial Trade—Slave Trade—The Floridas—Boundaries —Impressment—Claims on Sweden, Denmark, France, Naples —South American Affairs—Miscellaneous Minor Questions, respecting Hayti, Sandwich Islands, Liberia, China, &c.

The body of matter, which is herewith presented, forms a brief Outline of our Diplomatic Annals, and is the result of an examination of several hundred volumes, on subjects within the scope and plan of this work.—The work will be found,

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it is hoped, valuable and important, as an epitome of the principles which have governed the United States, in their negotiations with Foreign Powers, in Peace and in War, on the Great Questions of Diplomatic and International Law.

The General Index will, of course, be found useful. It furnishes the titles of all the treaties, conventions, &c., with their dates and ratifications; and, generally, the fact of their being in force, obsolete, or annulled. This Index, with a DIGEST of the articles of each instrument, will afford at a glance a synopsis of every stipulation in regular succession.

The main design of these volumes is that of the Editor, left principally to himself, to decide on the choice of appropriate materials, touching subjects, if not among the most difficult, certainly rank among the most important, profound, and exalted in the whole range of human jurisprudence. The Editor, however, aware that if there be any merit in his compilation, it must mainly depend on the faithfulness, with which he has copied the public instruments, it contains, as well on the correctness of the authorities, cited on the Law of Nations, and the accuracy of the Notes he has appended to various parts of his work. An examination of the "list of Books referred to" at the close of the Prefatory matter may enable the reader to form some idea of the extent of research, and investigation, he has made, in the prosecution of his undertaking.*

* *Note.* The collections of treaties in Europe, already prepared and printed, are exceedingly numerous and voluminous. An intelligent British writer on the subject, states that an entire collection of general treaties, must consist of the following books; 1st. Leibnitz's Codex, in 1693, 2dly, The Corps Diplomatique, with its Supplement, in 1739; consisting of twenty volumes in folio, to which is annexed a copious index of matters; 3dly, St. Priest's *Histoire de Traites de Paix du xvii. Siecle, depuis la Paix de Vervins jusqu'a celle de Nimegue*, 1725, 2 *vol. in folio;* and 4thly, of

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The compiler is, in part, indebted for the completion of the plan of his undertaking (and for which his best thanks are due) the *Negociations Secretes, touchant la Paix de Munster et d'Osnaburg*, 1725, 4 vol. in folio. These ample collections begin with the establishment of the † Amphictyons; 1496 years before the birth of Christ, and end with the pacification of Geneva in 1738:

† This celebrated assembly received its name, as well as institutions, from Amphictyon, an Athenian King; who, observing that the separate interests and dissensions which prevailed among the Grecian republics, exposed them to the invasions of their more powerful neighbours, wisely exhorted them to unite, by deputies, in one common body, which might in times of danger, concert the best measures for their mutual safety, and prevent by its salutary influence, the ill effects of private animosities and disjointed counsels. As he was a pious as well as political Prince, he put the temple of Delphi, and the sacred Territory, under the care and protection of the Amphictyonic tribunal, wisely thinking, that the public defence and public religion should be matters of a general concern to the Grecians, however divided on subjects of less importance.

Acrisius who reigned several years after at Argos, is reported to have increased the privileges, and regulated the laws, of the Amphictyons: and is for that reason esteemed by some a second founder.

The assembly met in the spring and autumn of every year, either at Delphi or Thermopylæ and every city amongst the people who composed it, chose two members, the one called the Hieromnemon, and the other the Pylagoras to represent it. The former was elected by lot, and had the honor to be president of the council in his turn, to gather the voices, pronounce the decree, and administer at the sacrifices, which were made either in the name of all the Greeks, or the particular city by which he was deputed. The latter was chosen by vote, and was properly the orator of the deputation; he delivered the opinion of his state, defended it against any accusation, and took care of its interest upon all occasions. As soon as these deputies arrived at the place where the Amphictyons were convened, they offered up a sacrifice to the tutelar deity, at Delphi to Apollo, at Thermopylæ to Ceres. Then they repaired to the assembly; but before they were admitted to take their seats, the following oath was tendered to them, which being the most ancient treaty, or agreement, on record, that is to be met with in the annals of time, we shall here insert—

[ORIGINAL.]

Μηδεμίαν πόλιν τῶν Ἀμφικτυονίδων ἀνάστατον ποιήσειν, μήδ' ὑδάτων, ναμασιαίων ἔιργσειν, μήτ' ἐν πολέμῳ, μήτ' ἐν εἰρήνῃ· ἐὰν δέ τις ταῦτα παραβῇ, στρατεύσειν ἐπὶ τοῦτον, καὶ τὰς πόλεις ἀνασήσειν· καὶ ἐάν τις ἢ συλᾷ τὰ τοῦ Θεοῦ, ἢ συνίδῃ τι ἢ βελεύσῃ τι κατὰ τῶν ἐν τῷ Ἱερῷ, τιμωρήσειν χῇ ποδὶ χῇ χειρὶ, χῇ φωνῇ, καὶ πάσῃ δυνάμει . . . . . Εἴ τις τάδε παραβαίνοι, ἢ πόλις, ἢ ἰδιώτης, ἢ ἔθνος, ἐναγὴς ἔστω τοῦ Ἀπόλλωνος, καὶ τῆς Ἀρτέμιδος, καὶ Λητοῦς, καὶ Ἀθηνᾶς Προναίας· καὶ μηδὲ γῆν καρπὸς φέρειν, μήτε γυναῖκας τέκνα τίκτειν γονεῦσιν ἐοικότα, ἀλλὰ τέρατα, μηδὲ βοσκήματα κατὰ φύσιν γονὰς ποιεῖσθαι· ἦσταν δὲ αὐτοῖς εἶναι πολέμιε, καὶ δικῶν, καὶ ἀγορῶν· καὶ ἐξώλεις εἶναι καὶ αὐτὸς, καὶ οἰκίας, καὶ γένος τὸ ἐκείνων· καὶ μήποτε ὁσίως θύσαιεν τῷ Ἀπόλλωνι, μηδὲ τῇ Ἀρτέμιδι, μηδὲ τῇ Λητοῖ, μήδ' Ἀθηνᾷ Προναίᾳ, μηδὲ δέξαιτο αὐτοῖς τὰ ἱερά.

[TRANSLATION.]

"Never to destroy an Amphictyonic city, nor to obstruct their running waters in "peace or war; and if any one transgress, in this respect, to make war upon him and "destroy his cities. And if any one should pillage the property of the god, or be an

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to the courtesy of the present Secretary of State, as well as of his predecessor in office, who have permitted him to have access to

we learn further, that the first collection of public Conventions, which comprehend the interests of the European nations, was published at Hanover, in 1693, by the illustrious Leibnitz, in two folio volumes, under the title of *Codex Juris Gent. Dip.* From the same source, we also learn, that the first treaty ever published by authority in Great Britain, was the treaty with Spain in 1604, which was conducted by Sir Robert Cecil, the first Lord Salisbury. No treaty was printed without authority, during any preceding period. The treaties of Charles I. were published by authority. Cromwell made many treaties, because he was anxious like John IV, of Portugal, to procure the recoguition of other Powers; but, it is doubtful whether he lived to publish them. The reign of Charles II. was fruitful in treaties, which were printed by authority, often singly, and sometimes collectively. The four treaties of Breda, were published by the King's special command, in 1667. A collection comprehending seventeen treaties, beginning with the Commercial Treaty with Spain, in 1667, and ending with the Algerine treaty in 1682, was printed by direction of Lord Sunderland, the secretary of state, in March 1684-5. It was in King William's councils, that it was first determined to print authoritatively the Public Conventions of Great Britain with other Powers. It was owing to that determination, that the reign of Queen Anne saw the publication of Rymer's Fœdera. The first volume, commencing with the documents of 1201, was printed in 1704; the 20th vol., ending with the papers of 1654, was given to the world in 1735.

In 1772, two volumes of treaties were published, in London, beginning with the alliance of 1679, and ending with the declarations of 1771, which concluded the British dispute about the Falkland Islands. A supplemental volume was added in 1781, comprehending public papers from 1495 to 1734, some of greater and some of less value. These treaties were republished in 1785, arranged in chronological order. Since the above general collections have been published, among the most celebrated and useful, of our time, are those of *Martens*, from 1761 to 1819, and those of *De Koch*, augmented and continued by F. Schoell, to the Treaties of Paris, in 1815.

" accomplice or adviser of any thing against the treasures in the temple, to punish him " with foot, hand, voice and all my might.

" If any one violate this oath, whether it be a city, an individual or a people, " let them be accursed of Apollo, Diana, Latona, and Minerva the provident; let not " their soil bring forth its fruits, nor their wives bear children like their parents but " monsters; nor their cattle produce according to their kind; let them be losers in war, " in court, and in market; let them be destroyed—they, their houses and their race; " may they never perform a pure sacrifice to Apollo, to Diana, to Latona, nor to " Minerva the provident, nor their offerings be accepted by them."

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the Library of that Department, to which he found it necessary to make constant and almost daily reference. At the same time, his acknowledgments are also due to most of the Foreign Ministers, at Washington, who cheerfully consented to permit him to examine the contents of their private collections, in order to facilitate the execution of his work.

In conclusion, in committing this book of treaties into the hands of an enlightened community of his fellow citizens, the Editor will only remark, that his main object will be fully accomplished, if he has succeeded in promoting the public convenience, or in diminishing the labours of the Diplomatist. In either case he will be gratified for the pains he has taken, and for the time he has spent, in preparing it for publication.

JONATHAN ELLIOT.

City of Washington,
February the 4th, 1834.

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Additional Note—[FRANCE AND THE SLAVE TRADE]

In connexion with the Notes, p. xiii of the preceding Preface:—A Convention was negotiated at Paris, on the 30th November, 1831, signed on the part of Great Britain by Lord Granville, and on the part of France by Horace Sebastiani, for rendering more effectual the means for suppressing the Slave Trade, wherein it is stipulated that—

[extract.]

Article 1. The mutual right of search may be exercised on board the vessels of each of the two nations, but *only* within the waters hereinafter described—namely:

1st. Along the western coast of Africa, from Cape Verd to the distance of ten degrees to the south of the Equator—that is to say, from the tenth degree of south latitude to the fifteenth degree of north latitude, as far as the thirtieth degree of west longitude, reckoning from the meridian of Paris:

2d. All round the island of Madagascar to the extent of 20 leagues from that island:

3d. To the same distance from the coasts of the island of Cuba:

4th. To the same distance from the coasts of the island of Porto Rico:

5th. To the same distance from the coasts of Brazil.

It is however understood that a suspected vessel descried and begun to be chased by the cruizers, whilst within the said space of twenty leagues, may be searched by them beyond those limits, if, without having ever lost sight of her, they should only succeed in coming up with her at a greater distance from the coast.

Art. 2. The right of searching merchant vessels of either the two nations, in the waters herein-before mentioned, shall be exercised only by ships of war, whose commanders shall have the rank of captain, or at least that of lieutenant in the navy.

Art. 5. The ships of war authorized to exercise the reciprocal right of search shall be furnished with a special authority from each of the two governments.

Art. 8. In no case shall the right of mutual search be exercised upon the ships of war of either nation.

[See, also, on the question of the Slave trade and France, in the Second volume, pages 152, 180, 181, 187, and 188.]

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COURS DE STYLE DIPLOMATIQUE.

[About the close of these volumes the attention of the Compiler was directed to the above work, by a distinguished member of the Diplomatic Corps; who, at the same time, had the politeness to offer him a perusal of its contents. A translation (somewhat exact) of one of its principal articles, accompanied by the text of the original, is herewith submitted.

It has been often repeated, that *the French is the language of Diplomacy.* The difficulty, with a proper adherence to the text, of rendering justice towards an extract from the author of the *Cours de Style Diplomatique*, in an English dress, has satisfied the Compiler, that this observation is both just and true, which, the reader may be convinced of, if he compares this attempt of an English translation with the French copy.]

Du Style. Quoique le ton des écrits politiques soit susceptible de beaucoup de nuances, tous sont soumis à des règles, dont l'application est aussi générale qne constante

On doit retrouver dans tous un but bien déterminé, des idées justes, lumineuses et solides, une marche méthodique, ferme et rapide, une diction pure et correcte, des expressions claires, naturelles et précises, un ton noble et mesuré; enfin, ce tact des convenances qui, appropriant toujours le style aux circonstances, aux temps, aux personnages, fait qu'il n'est jamais ni au-dessus, ni au-dessous du sujet.

Quelques-unes des qualités qu'exige ce style sont purement grammaticales et tiennent à la diction.

D'autres ont plus de rapport avec le raisonnement et sont plus particulièrement du ressort de la logique.

Les dernières enfin tiennent aux convenances et n'en sont pas moins importantes.

1. *Qualities qui tiennent a la Diction.*

La correction et la pureté du style sont trop essentielles pour qui'l soit permis de jouer un rôle diplomatique avant d'avoir acquis ces premières bases du talent de s'énoncer. Les fautes contre la langue dans des actes destinés à une publicité plus ou moins étendue, jettent du ridicule sur le redacteur, affaiblissent la considération dont il doit jouir, et nuisent par-là indirectement à sa cause. Ces fautes d'ailleurs peuvent faire naître des équivoques et des méprises toujours conséquentes en matière de politique.

D'un autre côté il n'y aurait pas moins de ridicule à voir un homme en place affecter d'écrire en grammairien et en puriste, vétiller sur les mots et oublier dans la gêne des règles grammaticales l'importance des choses qu'il doit dire. Mais on a droit d'exiger de lui qu'il s'énonce comme un homme bien élevé, dont le jugement et le goût se sont épurés dans les cercles d'un monde choisi et dans la lecture des bons écrivains. On ne lui pardonnerait pas des solécismes, des construction vicieuses, des locutions étrangères, des termes et des tours qui ont vieilli, ni l'affectation du néologisme.

S'il est vrai que la *clarte* du style doive être en raison de l'importance d'un ouvrage, aucun n'exige plus impérieusement ce mérite que les écrits qui ont pour objet les grands intérêts d'une nation. Quoique une opinion trop commune semble admettre que la politique est une science où tout est mystérieux, il n'en est pas moins vrai que les pièces officielles doivent être rédigées avec clarté et netteté; que l'obscurité, les sens louches, les équivoques sont très-dangereux. En diplomatie ce n'est pas assez d'être compris, il faut ôter à la mauvaise foi tout moyen de se prévaloir d'un sens, d'un mot équivoque, et de l'interpréter au gré de ses intérêts. On doit même

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étendre jusqu' à la ponctuation cette recherche scrupuleuse de clarté, puisqu'on a vu plus d'une fois le sens d'un article important dépendre de la place d'une virgule, et des contestations très-sérieuses naître d'une circonstance en apparence aussi puérile.

L'obscurité résulte ou de la pensée elle-même, ou de l'expression de cette pensée, ou enfin du défaut d'ordre dans la disposition de tout le discours.

A l'égard de la première cause d'obscurité, on observera qu'il est impossible d'être clair, si l'on ne se comprend pas bien soi-même. Le premier travail doit donc être de réfléchir long-temps sur son objet dès qu'il présente quelque difficulté, de le considérer sous toutes ses faces, d'en bien démêler les parties jusqu'à ce qu'on en ait de soi-même une idée nette et distincte.

Cette clarté dont notre esprit est pénétré, se communiquera d'elle, même à l'expression de la pensée, soit dans le choix des termes, soit dans la construction des sentences. Les termes doivent être toujours purs, propres et précis.

Les termes qui manquent de pureté sont souvent inintelligibles; les termes impropres nous écartent de l'idée, et même lui en substitutent une autre; ceux qui manquent de précision la dénaturent en y associant des accessoires, en l'affaiblissant ou l'exagérant.

Quant à la nature des sentences, il convient d'observer que le style coupé convient généralement mieux aux discussions diplomatiques, parce qu'il est plus rapide, plus serré et plus concis, et que les idées particulières s'y détachent mieux les unes des autres. Cependant le style périodique ne doit pas être évité avec trop d'affectation, mais il importe de ne pas s'embarrasser de sentences trop longues, ou surchargées d'objets accessoires. L'idée principale doit se distinguer aisément des idées subordonnées. La même justesse de rapport qui règne entre les mots d'une phrase partielle doit se retrouver entre les divers membres d'une période complète. L'unité y sera constamment observée; enfin le sens sera achevé de manière à ne rien laisser désirer à l'esprit.

Nous avons dit enfin que le défaut d'ordre et de méthode dans la totalité d'un écrit était une des causes les plus fréquentes d'obscurité. Comme cet objet appartient plus particulièrement aux qualités logiques du discours, nous nous bornerons à observer ici que l'esprit est harcelé et l'attention fatiguée par cette dislocation d'idées attachées et placées comme au hasard, au lieu de se réunir en groupes pour former des idées principales. Un ouvrage ainsi conçu est un vrai labyrinthe, où l'esprit perd le fil qui devait le conduire.

La clarté tient donc essentiellement à la correction et à la pureté, nouveau motif d'étudier la langue dont on se sert.

L'affectation, le précieux, la grace et l'élégance recherchée ne peuvent convenir dans des affaires aussi graves que celles qui occupent la politique: il lui faut le langage de la simplicité et de la raison. Un auteur veut que les lettres entre souverains brillent par l'esprit; il semble que ce serait un esprit assez mal employé. Le style des lettres peut être vif, et même animé d'un sentiment qui va jusqu'au pathétique; mais il doit plus approcher du ton d'une conversation polie et aisée, que du style étudié d'une harangue. Dans les mémoires et surtout dans les actes, la simplicité et la clarté doivent dominer. Ce sont des pièces juridiques dans lesquelles il faut plus d'attention à l'exactitude et aux formalités qu'à l'élégance et au brillant. Au reste cette simplicité doit être plus ou moins denominante suivant l'espèce des écrits, la nature de leur contenu et la diversité du cérémonial.

Mais si l'on évite l'affectation et la recherche, ce n'est point pour descendre au ton bas et familier. Les trivialités, les expressions proverbiales et populaires, les plaisanteries doivent être bannies d'un style qui demande un caractère de dignité

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sans enflure, de noblesse, sans hauteur, de gravité sans pédanterie. Puisqu'on parle au nom d'un souverain à un autre souverain, toutes les expressions doivent être décentes et mesurées. On évitera avec plus de soin encore les invectives, les injures, les reproches offensans, les imputations calomnieuses : c'est outrager les mœurs et les bienséances, et manquer au respect qu'on se doit à soi-même; c'est exciter impolitiquement les haines et les vengeances; c'est enfin se mettre dans la pénible alternative ou de désavouer un langage qu'on a autorisé, ou de se rétracter par une réparation solennelle, ou de montrer de l'inconséquence en flattant ceux qu'on vient d'insulter.

II. *Qualities Logiques.*

La première loi qu'impose la raison dans tout écrit est, qu'on soit bien décidé sur le but qu'on veut atteindre, puisque ce but détermine le choix des moyens qu'il convient d'employer, et le ton dominant de l'ouvrage.

Ce but une fois fixé, on doit y tout ramener, y tendre par une marche constante et progressive sans s'en laisser détourner par des vues accessoires, sans vouloir trop embrasser. Rien n'imprime plus sur un écrit le caractère de la faiblesse qu'un but vague et indéterminé. Les moyens s'affaiblissent ou portent à faux en divergeant, mais ils se prêtent une force mutuelle lorsqu'ils portent tous sur un même point.

Le but général des écrits politiques est de persuader, c'est-à-dire de changer ou de fixer et d'affermir les opinions des souverains et des nations sur quelque objet que ce soit, pour les amener ensuite à agir selon nos intérêts. Mais dans ce but général, combien de buts particuliers sur le choix desquels il importe de se fixer! On peut vouloir faire regarder comme vrai ce qui paraissait faux, comme certain ce qui paraissait douteux, comme légitime ce qui paraissat injuste, comme honnête ce qui paraissait blâmable, comme utile ou nécessaire ce qui paraissait dangereux et nuisible. On peut aussi se proposer l'effet contraire.

Quelquefois les circonstances exigent qu'on embrasse plusieurs de ces buts comme moyens subordonnés et indispensables. Souvent aussi on ne parvient à la persuasion qu'en instruisant ou en touchant. Mais dans tous ces cas il importe d'avoir un point de vue déterminé, d'être bien d'accord avec soi-même et sur ce qu'on veut.

Une fois fixé sur le but, on doit s'instruire de tout ce qu'il exige. Cet examen se réduira au choix des idées qu'on veut employer, à celui de l'ordre qu'on veut suivre dans leur enchaînement et enfin à celui du ton général qu'il importe de prendre.

Occupons-nous du premier de ces objets, du choix des pensées.

Nous avons vu qu'en politique le plus grand mobile de la persuasion est l'intérêt. Un négociateur habile ne négligera donc point cet appât, il en fera la partie la plus importante de ses écrits, et dans toutes les affaires de nation à nation, il le préfèrera même aux motifs de droit et aux preuves juridiques. Mais en appuyant sur des motifs d'intérêt, il doit le faire avec ménagement. S'il paraissait connaître les advantages d'une puissance mieux qu'elle-même, il se rendrait odieux, comme il se rendrait suspect s'il mettait trop de chaleur à les lui faire sentir.

Pour acquérir cette solidité, qui ne redoute ni la critique ni les réfutations, on doit, autant qu'il est possible, être plus riche de pensées que de mots. Ces pensées doivent êtres vraies, justes, lumineuses, nécessaires; elles doivent avoir un rapport direct avec le sujet et le seconder.

En voulant s'étayer d'un principe faux, douteux, ou même étranger à la cause, on s'exposerait à voir tomber avec lui l'edifice qu'il devait soutenir, et l'on donnerait un grand advantage à son adversaire.

On doit ne s'appuyer que sur des preuves irrécusables. On prouve les faits par des autorités, les droits par des titres, les principes par des raisonnemens, les maxi-

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mes pratiques par les advantages qui en résultent et par les inconvéniens qu'il y aurait à s'en écarter.

Si l'obstination ou la mauvaise foi de nos adversaires nous réduit à porter nos preuves jusqu'à la démonstration la plus rigoureuse, on peut recourir aux syllogismes, pourvu qu'on en fasse disparaître la sécheresse et l'appareil pédantesque.

En s'attachant à ces moyens décisifs, on ne négligera pas les demi-preuves, les probabilités, les vraisemblances et l'analogie. Ces moyens, quoique faibles pris isolément, reçoivent beaucoup de force de leur réunion.

Les citations peuvent trouver place dans tous les écrits destinés à établir ou à renverser quelques points contestés, mais elles doivent être employées à propos. Leur abus serait pris pour une affectation ridicule d'erudition. Si l'on est dans le cas de réfuter des faits, des principes, des maximes, on doit le faire par des preuves contraires directes.

On ne doit jamais perdre de vue, que les généralities, les déclamations, et les invectives ne prouvent rien: elles ne servent d'armes qu'à la faiblesse et à la passion.

Aprés avoir choisi ses idées, il faut s'occuper de leur développement. Tout sujet de composition présente des parties principales et des parties de détail. Mais toutes n'ont pas la même importance et n'excitent pas le même intérêt. Le développement consiste donc dans l'art de présenter successivement et dans leur juste étendue toutes les idées qu'exigent le sujet et le but réunis. En un mot, dire tout ce qu'on doit dire, *l'integralite du sujet*, ne dire que ce qu'on doit et le dire en peu de mots, c'est le secret d'un bon développement.

L'intégralité du sujet suppose qu'aucune des parties intéressantes qu'il offre n'est omise. Soit qu'il s'agisse de demandes a faires, de griefs à exposer, de preuves à établir, de prétentions à combattre, de nouvelles à transmettre, il importe d'embrasser d'un coup d'œil la totalité de son sujet, et de n'omettre rien de ce qui peut servir à l'éclaircir ou à le seconder. Les conséquences dangereuses de tels oublis dans des matières politiques sont evidentes.

Une prolixite inutile seroit cependant une grande faute dans les écrits politiques. Quoique certains memoires soient susceptibles de plus grands developpemens, ils n'en exigent pas moins un caractère de precision. On doit rejeter les details minutieux et superflus, les répetitions inutiles et les pensées etrangères au fond du sujet. On doit encore donner une juste proportion au developpement des idées qu'on admet suivant leur degre d'utilite.

Mais ce n'est pas assez que de ne dire que ce qu'on doit dire. Il faut encore s'enoncer en peu de mots et joindre la concision à la precision. Les circonlocutions, les epithèts, les grands mots, les periodes nombreuses, les ornemens indiscrets, les lieux communs de rhétorique, sont des choses souverainement deplacées dans des écrits où tout est grave et important et où tout doit aller directement au but.

Cette prolixité prouve un esprit embarrassé et diffus, ou un esprit faux qui sacrifie mal à propos le fond aux accessoires. Elle rejette un ridicule merité sur l'ouvrage rebute le lecteur et nuit à la marche des affaires en détournant l'attention.

En un mot, au lieu d'un étalage verbeux et disert, on demande en affaires un style précis, concis, serre, à courtes periodes; on veut que les mots s'arrêtent toujours où finissent les choses. L'abus de cette brièvete nuit à la clarté et donne au style quelque chose d'affecté et de sententieux. Il conduit d'ailleurs aisement au ton imperieux, hautain et tranchant. On doit donc, suivant les occasions, adoucir cette nuance en rendant le style plus lié et plus soutenu.

Le développement dont on vient de parler suppose necessairement un ordre qui conduise à l'unite du sujet.

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La plupart des écrits diplomatiques, et surtout les lettres, les complimens, les notes officielles n'ayant qu'un objet assez circonscrit, n'exigent point cette rigueur de methode, ces détails de plan et cette chaîne de divisions qu'on retrouve dans des ouvrages plus etendus; il suffit que la matière soit divisées en chefs généraux nettement circonscrits, et que ces parties soient respectivement placées dans leur enchaînement mutuel.

III. *Des Convenances.*

Jusque ici nous avons parlé des caractères generaux du style qui convient à toute espèce de composition diplomatique. Mais ce serait bien peu connaître les convenances, si l'on croyait avoir rempli ses devoirs en respectant ces conditions, et si l'on ne variait pas son ton d'après les circonstances. Le temps, le mœurs, la nature des relations, le genere de l'ecrit, l'importance des affaires, etc. tracent au vrai politique la nuance du ton qu'il doit prendre. Suivant ces circonstances, le style prendra un caractère de supériorité ou de déférence et même de respect, de force, de vehémence, de fermeté, d'amitié ou de froideur, de confiance ou de réserve; il se rapprochera plus ou moins des formes oratoires où il restera plus près des formes simples de la discussion.

Pour donner au style ce precieux merite, qui resulte de son juste rapport avec les circonstances, il faut avoir un tact sûr et exerce, être constamment maître de soi et de ses passions, connaître la valeur des termes qu'on emploie et les moyens qui peuvent varier le style; il faut enfin connaître les formes particulières que l'usage a introduites, et qui tiennent au ceremonial.

[TRANSLATION.]

Although the style of political writings may be susceptible of many variations, all are submitted to rules, the application of which is constant and general.

In all of them should be found a declared end; just, luminous, and solid ideas, a firm, rapid and methodical proceeding, pure and correct diction, clear, natural and precise expressions, and a style noble and circumspect: in fine, that taste, which, adapting itself in every case to circumstances, time and persons, never allows the style to be above, or beneath, the subject.

Some of the qualities of this style, are merely grammatical, and relate to the diction.

Others have greater affinity to reasoning, or argument; and belong, more particularly, to the principles of logic.

The last, in fine, belong to proprieties, and are not the least important.

I. Qualities which pertain to Diction.

Correctness and purity of style are too essential, to permit one to act a diplomatic part, without having previously acquired these first bases of expression. Grammatical, or other errors, in acts designed for greater or less publicity, throw ridicule upon the author; weaken the consideration which he should merit, and injure his course. These errors may, besides, give rise to equivoques and to mistakes, always consequent in political matters.

On the other hand, it is not the less ridiculous to see a man in office, affecting to write as a grammarian, and with purity, trifle with words, and forget, in the difficulty of the rules of philology, the importance of the subject upon which he designed to treat. We have the right to require of him that he should express himself as one well educated, whose judgment and taste had been refined in the higher circles of the world, and by the perusal of the best writers. Neither should solecisms, forced constructions, strange phrases, obsolete terms, or the affectation of neology be pardoned.

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If it is true, that *clearness* of style should be in accordance with the importance of the work, nothing more imperiously demands this merit, than those writings which have for their great object the interest of a nation. Although an opinion, perhaps too common, seems to admit, that politics is a science, in which every thing is *mysterious*; it is not the less true, that official articles should be prepared with clearness and precision; and that obscurities, ambiguties, and equivoques should be avoided. In diplomacy, it is not sufficient that you should be simply understood, but it is also necessary to remove the means by which one of bad faith may turn an ambiguous word to his own advantage. This scrupulous attention to clearness of style, should be extended even to punctuation; for it has been more than once seen, that the sense of an important article depended upon the proper placing of a *comma*; and that very serious disputes have arisen from a circumstance in appearance equally trivial.

This obscurity results, either from the idea itself, from the expression of it, or from the want of system in the disposition of the discourse. With regard to the first cause of obscurity, it will be observed, that, it is impossible for a person to write with clearness, if he does not well comprehend himself. His first duty, then, should be to reflect deeply upon his subject, as soon as any difficulty may present itself; to consider it in all its bearings, and to separate the parts, until it forms of itself an idea clear and distinct.

This perspicuity with which the mind is penetrated, will communicate itself to the expression of an idea, either by the choice of terms, or, by the construction of sentences. The expressions should be always pure, proper and precise.

Terms which are deficient in purity of style, are often unintelligible; those which are improper destroy the idea, and even substitute another in its place; those which are deficient in precision, pervert the meaning by producing accessaries, and by weakening or exaggerating the sense.

As to the nature of sentences, it is proper to observe, that, the abbreviated style is the more appropriate to diplomatic discussions, because it is more rapid and more concise; and, because particular ideas are in this way more easily detached from one another. The periodic style should not, however, be too affectedly abandoned, yet it is necessary to abstain from sentences of too great length, or, which are burdened with appurtenant objects. The principal idea should be easily distinguished from the subordinate—the same justness of expression which governs the words of a partial phrase, should be found among the different members of a finished period. Unity will be thus constantly observed, and the sense be so complete, as to leave nothing wanting for the spirit of the meaning.

We have already said, that the want of order, and of method throughout a production, was one of the most frequent causes of obscurity of style. As this subject belongs more particularly to the logical qualities of the discourse, we will here confine ourselves to observe that, the mind is harassed, and the attention fatigued by this dislocation of ideas, placed at random, instead of being grouped together in such a manner as to form the principal ideas: a work thus conceived, is indeed a perfect labyrinth, where the mind loses the thread, which should conduct it through all its intricacies.

Clearness then tends essentially to correctness and purity, and should be a fresh incentive to study well the language which is about to be used.

Graceful expressions, elegance of language, and affectod phrases, are not necessary in matters of such grave import as that of diplomatic correspondence; then all that is required is the language of simplicity and reason: one author desires that letters

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between sovereigns should sparkle with wit; it appears to me that this would be brilliancy of mind, but badly employed. The style of such letters may be lively and even animated with a sentiment, approximating to the pathetic, but it should rather be in the tone of a polite and easy conversation, than in that of a studied harangue. In memorials, and particularly in public acts, simplicity and clearness should predominate: these are judicial subjects which require that more attention should be paid to exactness and to formality, than to elegance, or to beauty of language. As for the rest, simplicity should be more or less dominant, according to the species of the writing, the nature of their contents, and the diversity of form.

But then, if we reject a studied and affected style, it is not to be concluded that we must descend to one which is low and familiar—trifling, proverbial, and popular expressions, jests, etc. should be banished from writings which demand a character of dignity, free from bombast; of grandeur, without pride; and of gravity, devoid of pedantry.

When speaking, as from one sovereign to another, every expression should be proper and well considered. The greatest care should be taken to avoid invectives, injurious expressions, offensive reproaches, and calumnious impressions; it is to outrage manners and good breeding, and to be deficient in that respect which is due to one's self; it is to excite, improvidently, feelings of hatred and of revenge; it is, in fine, to be placed under the powerful alternative either of disavowing a language which was authorised, of retracting it by a solemn reparation, or of exhibiting a sense of inconsistency, by flattering those who were just insulted.

II. Logical Qualities.

The first law, which reason imposes, in all species of writing, is that the author should be well decided upon the end which he wishes to attain: this end in fact determines the choice of the means to be employed, and the predominating tone of the work.

This end being once fixed, the ideas should be concentrated on it, and tend towards it, by a constant and progressive march, without permitting any deviation, through the objects which are only accessary to the great subject. Nothing imprints more forcibly upon a writing the character of feebleness, than a vague and undetermined end. The means weaken themselves, thus tend to a false course, while, on the contrary, they present a mutual force, when they are made to bear upon the same point. The general desire of political writings is to persuade; that is to say, to change or to fix and to affirm the opinion of sovereigns and of nations on some particular object, so as to induce an operation suited to our own interests; but in this general design, how many different ends are there, and from which it is important to make a choice! It may be desirable to make that appear to be true, which would appear to be false; as certain, that which would seem doubtful; as lawful, that which appears to be unjust; as honest, that which is dishonest; as useful and necessary, that which is dangerous and hurtful: and so the argument may be used, in proportion, of a contrary effect.

Circumstances sometimes require, that many of these designs should be embraced as subordinate and indispensable means. Often also persuasion cannot be reached without speaking of, or touching on them. But, in all these cases, it is necessary to have a special point in view, to be well satisfied with your own opinions, and with the object which is desired.

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Having once determined upon the purpose it is necessary to be instructed in all that is requisite for its attainment—this examination reduces itself to the choice of ideas to be employed, to the order to be followed in their connexion, and to the general style which it is proper to adopt.

Let us now examine the first of these objects, that is, the choice of thoughts:

We have seen that, in politics, *primum mobile* of persuasion is interest: an experienced negotiator will never neglect this allurement; he will make it the most important part of his writings, and in all matters, between nation and nation, he will prefer it even to matters of right and to judicial proofs; but in leaning towards motives of interest, it should be skilfully done. If he should appear to be better acquainted with the interests of a nation, than it does itself, he would render himself obnoxious he would also be suspected, if he exhibited too much warmth, in causing them to feel it.

In order to acquire this solidity, which does not fear either criticism or refutation, the author should, as much as possible, be richer in ideas than in words: those ideas should be true, just, luminous and necessary, have a direct bearing upon, and should support the subject.

In endeavoring to uphold himself by a false or doubtful principle, or even one which is foreign to the object, the author is exposed to the danger of seeing the edifice destroyed which he wished to sustain, and of giving a great advantage to his adversary.

None but unobjectionable proofs should be relied on. Facts are proved by authorities, rights by titles, principles by arguments, practical maxims by the benefits which result from them, and by the disadvantages which they avoid.

If the obstinacy, or bad faith of our adversaries, reduces us to the necessity of carrying our proofs to the most rigorous demonstration, recourse may be had to syllogisms, provided we divest them of dryness and of pedantry.

In adhering to these decisive means, partial proofs, similitudes and analogy should not be neglected; these means, however feeble, when taken separately, receive great strength from being united.

Quotations may be used in all writings designed to establish or destroy any contested point, but they should be employed only when apropos. Their abuse would be considered as ridiculous affectation of erudition; if it is intended to refute facts, principles or maxims, it should be done by proofs, directly to the contrary.

It should never be forgotten, that generalities, declamation, and invective prove nothing: they serve as weapons to weakness and passion.

After having chosen his ideas, the author should devote himself to their developement. Every subject of composition consists of its principal and detailed parts, but all are not of the same importance, nor do they excite the same interest—the developement then consists in the art of presenting successively, and to their proper extent, all the ideas which the subject and end united require. In a word, the integrality of the subject, to say of it in a few words, all that should be said, and no more, is the secret of a good developement.

The integrality of the subject, supposes that none of the interesting parts should be omitted: whether they relate to demands to be made, grievances to be exposed, proofs to be established, pretensions to be overcome, news to be transmitted. It is necessary to embrace at a single view, the whole of the subject, and to admit nothing

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which might enlighten or support it. The dangerous consequences of such omissions in political matters are evident; an inutile prolixity would however be a great fault in political composition; although certain memorials may be susceptible of greater display, they do not the less require a character of precision. Minute and superfluous details, unnecessary repetitions, and ideas foreign from the subject, should be avoided. A just proportion should be given to the developement of the ideas advanced, according to their degrees of utility.

But it is not enough, not to say that which ought not to be said: it is necessary also that the expressions should be made in few words, uniting brevity with precision. Circumlocution, epithets, high sounding words, numerous periods, indiscreet ornaments, and common place rhetoric, are positively discarded from writings, where the subject is grave and important, and when all should be directed to one particular end.

Prolixity exhibits a mind embarrassed and diffused, or a false sense which sacrifices improperly the main object to its accessaries; it casts a merited ridicule upon the work, disgusts the reader, prevents the progress of matters by diverting the attention.

In a word, in place of a verbose and eloquent display, in matters of business, a plain, precise and concise style is required: the abuse of this brevity destroys the clearness and gives to it an affected air; besides it easily leads to a haughty and imperious tone. It is proper, according to the circumstances, to soften this variety of expression by rendering the style more connected and sustained.

The developement of which we have just spoken supposes necessarily an order which leads to the unity of the subject.

The greater part of diplomatic writing, and particularly that of letters, compliments, and official notes, having but a circumscribed object, do not require this strictness, these details of plan and the chain of divisions which is found in works of greater extent; it is sufficient that the matter should be neatly divided under general heads, and that these parts should be placed respectively, according to their mutual connexions.

III. *Of Proprieties* [*Convenances.*]

Until now, we have spoken of the general character of style, which is applicable to every species of diplomatic composition; but this would be to know only a little of proprieties; if the agent thought he had fulfilled his duty by simply respecting these conditions, and if he did not vary his tone, according to circumstances. The times, manners, nature of the relations, the kind of writing, the importance of the business, &c. point out to the true politician the variety of tone, which he should use. According to these circumstances, the style should evince a character of superiority, of deference and even of respect, of force, vehemence, firmness, friendship or of indifference, of confidence, or of reserve. Thus he will approach more or less to the forms of oratory, or will remain nearer to those simply of discussion.

In order to give to style this valuable quality, which results from its just conformity to circumstances, it is necessary to possess a sure and practical tact or judgement, to be constantly master of one's self, and of his passions, be acquainted with the value of the terms which are employed, and the means of varying the style; and, in fine it is necessary to know the particular forms, which custom has introduced and which pertain to matters of ceremony.

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MINISTERS AND CONSULS OF THE UNITED STATES ABROAD,

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From **1326** to **1833**, furnishing the Dates of Treaties, Conventions, &c. and the most interesting Political Events, in Both Hemispheres.

1326 War between England and France, on the subject of a fortress in Guinne, which Edward II. claimed as his of right.

1327 Peace between Robert Bruce and Edward III. The independence of Scotland acknowledged.

1336 Edward III. renews his pretensions to the crown of France, and enters into a league with the revolted Flemings.

1356 The German Constitution, known by the name of the Golden Bull, sanctioned; and the mode of electing the Emperor determined.

1360 May 8: Peace concluded with France, at Bretigny near Chartres, whereby England retained Gascony and Guinne, acquired Saintonge, Agenois, Perigord, Limosin, Bigorre, Angoumois, and Rovergne, and renounced her pretensions to Maine, Anjou, Touraine, and Normandy; England was also to receive 3,000,000 crowns and to release King John, who had been long prisoner in London.

1370 War recommenced between France and England.

1381 Peace ratified between Venice and Genoa.

1385 The French united with the Scotch against England, upon which Richard II. invaded Scotland, and burnt Edinburgh.

1390 The Sultan Bajazet ratified a treaty with the Greek Emperor, John Palcologus.

1412 Henry IV. of England leagued with the Duke of Orleans, Regent of France, in order to oppose the Duke of Burgundy.

1415 August: Henry V. of England commences war against France.

1420 May 21: *treaty of Troyes* between England, France and Burgundy, whereby it was stipulated that Henry V. should marry Catharine, daughter of Charles VI. be appointed Regent of France, and after the death of Charles should inherit the crown.

1423 Treaty between England and Burgundy.

1435 September 22: *treaty of Arras* between France and Burgundy. Several towns annexed to the Duchy of Burgundy.

1439 The *Pragmatic Sanction* settled in France, regulating the election of bishops, and moderating the power of the Pope.

1453 The first alliance entered into between the French and Swiss.

1464 A league designated "*For the public good*," formed between the Dukes of Burgundy, Brittany and Bourbon, and others, against Louis XI. of France.

1465 *Treaty of Conflans*, between Louis XI. and the chiefs of the above league. Normandy ceded to the Duke of Berri.

1468 Louis XI., having placed himself in the power of the Duke of Burgundy, was forced to sign a treaty at Peronne, confirming those of Arras and Conflans, with some other stipulations.

1474 Peace concluded between Edward IV. of England, and Louis XI. of France.

1475 The *Peace of Pacquigni*.

1475 Charles the Bold, of Burgundy, concluded a treaty with the French king, but speedily afterwards leagued against him with Edward IV. of England, and the Duke of Brittony. Louis XI., on the other hand, entered into a treaty with the Switzers, and

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succeeded ultimately in becoming an a ly of England, which unexpected change determined the Duke of Burgundy to conclude a truce at Vervins for 9 years.

1476 Charles of Burgundy commenced war against the Switzers, in which he eventually lost his life.

1482 The *treaty of Arras*, between Maximilian of Austria, the husband of Mary of Burgundy, and Louis XI. of France, whereby Margaret, daughter of the former; was espoused to the dauphin, son of the latter, with Artois and Burgundy as a dowry.

1482 Peace concluded at Edinburgh between England and Scotland.

1494 War commenced by France for the possession of Naples, bequeathed to the king by Charles du Maine, which was opposed by the Pope, the Emperor, the King of Spain, the Venetians, and the Duke of Milan—France being ultimately forced to abandon her claim.

1497 Treaty between England and Scotland, by which Perkin Warbeck was compelled to quit the latter kingdom.

1501 Treaty between Louis XII. of France, and Ferdinand of Spain, for the division of the kingdom of Naples, this partition, however, gave rise to a war between those powers, and eventually Naples remained in the possession of Spain.

1508 December 10: the *league of Cambray* against the Republic of Venice, comprising the Pope, the Emperor, and the kings of France and Spain. Venice forced to cede to Spain her possessions in the kingdom of Naples.

1510 *Holy league* against Louis XII. of France.

1514 France obliged to sue for peace, which was obtained from the Pope, by promising to abolish the Pragmatic Sanction; from the King of Spain, by uniting his grandson, the Duke of Ferrara, to Renee, daughter of the King of France; and from England by Louis XII. espousing Mary; sister of Henry VIII.

1515 On the accession of Francis I., a war was commenced by France for the recovery of the Milanese.

1516 August 16; the *treaty of Noyon.*

1521 *Edict of Worms*, proscribing Luther and his adherents.

1521 First war between France and Charles V.; France endeavoring to reinstate Henry d'Albret, in the Kingdom of Navarre.

1521 The Emperor Charles V. prevailed upon Henry VIII. to declare war against France.

1522 War commenced between France and Scotland, and also between France and England.

1525 A treaty concluded between France and England.

1526 Francis I., to release himself from captivity, signed a treaty with Charles V. surrendering Burgundy, Artois, Flanders, &c., and renouncing all pretensions to Italy.

1527 Second war between France and Charles V. The Pope taken prisoner at Rome.

1527 A treaty of mutual obligation entered into between France and England; and the same year a fresh treaty, for the purpose of carrying war into Italy to restore the Pope to liberty.

1529 August 5: the *peace of Cambray.*

1529 December: the *league of Smalcald* in Franconia, entered into between the Elector of Brandenburg and other princes of Germany, in defence of Protestanism.

1532 June 23: a new treaty of allianbe ratified between the kings of England and France.

1532 August 2; the *treaty of Nuremberg* ratified.

1536 Third war between France and Charles V. for possession of Milan.

1538 June 18: *treaty of Nice* between Francis I. and Charles V.

1541 Fourth war between Francis I. and Charles V.

1542 Henry VIII of England attacked Scotland, in order to force an alliance between the Young Queen Mary and his son Prince Edward, which war terminated by a peace the following year. This attempt was as unsuccessfully renewed in 1547, after the accession of Edward VI.

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1544 League between England and the Emperor Charles V. against France; shortly after which peace was concluded and signed at Cressy in Valois.
1548 May 15: the *Interim* granted by the Emperor Charles V. to the Protestants in Germany.
1549 Peace ratified between France and England. Boulogne restored to France.
1551 October 5: *treaty of Friedwald*, between France and the Protestant princes of Germany.
1552 January 15: *treaty of Chambord*, confirming the league between France and the Protestant princes of Germany.
1552 August 12: *treaty of Passau*, ratified between Charles V. and the Protestant princes of Germany. Freedom of religion established.
1554 *Treaty of Naumburg*, between Augustus, Elector of Saxony, and the deposed elector John Frederic—the electorate to descend to John Frederic and his heirs, in default of heirs male of Augustus.
1555 *Peace of Religion*, concluded at Augsburg—a confirmation of the treaty of Passau, establishing the free exercise of the Protestant religion.
1556 England entered into an alliance with Spain against France.
1558 February; the French took Calais, which had been in possession of the English since 1347.
1559 *Peace of Cateau Cambresis*, between France, Spain, and Piedmont. France ceded Savoy, Corsica, and nearly 200 forts in Italy and the Low Countries.
1560 Peace ratified between England, France and Scotland.
1561 *Treaty of Wilna*, between the Northern Powers.
1562 The French Protestants having had recourse to arms, Elizabeth sent over succors to their assistance.
1563 War between Sweden and Denmark.
1564 April 29; peace ratified between France and England.
1570 *Peace of St. Germaine.*
1570 December 13: *peace of Stettin*, between Sweden and Denmark.
1571 Spain, Venice, and the Pope combine against the Turks, who were endeavoring to subdue Cyprus.
1572 Peace concluded between England and France.
1576 The United States of the Netherlands send deputies to the Hague, who declare Philip II. divested or his principality, and appoint William, Prince of Orange, for their governor or stadtholder.
1576 November 8: *pacification of Ghent*, by which foreign troops were expelled from the Netherlands, and the Inquisition abolished.
1576 The *League* begins in France.
1579 January 22; the *union of Utrecht*, formed by Holland, Utrecht, Zealand, Friesland, and Guelderland, by which the republic of Holland was constituted. Overyssel joined in 1580, and Groningen in 1594.
1595 War declared by France against Spain.
1595 May 18: *peace of Teusin*, between Russia and Sweden, which powers had been at war with an interval of seven years' truce, from 1572.
1598 May 2; peace ratified at Vervins between France and Spain; Spain restores her conquests of Calais, Amiens, &c.
1603 A treaty between James I. of England and Henry IV. of France, in order to support the States General against the Spanish branch of the house of Austria.
1604 August 18; peace between England and Spain ratified.
1609 April 4; the truce of 12 years between the Spaniards and Dutch.
1610 *Treaty of Halle*, between the Protestant princes of the empire.
1610 *League of Wurtzbourg*, between the Catholic princes of the empire.
1613 *Peace of Siorod*, concluding a war of two years between Sweden and Denmark.
1619 Peace between France and Spain; marriage of Louis XIII. with Anne of Austria, infanta of Spain.

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1619 September 5: the Elector Palatine, Frederic V., son-in-law of James I., accepted the crown of Bohemia offered to him by the Protestant states. This was the beginning of the Thirty Years' War.

1620 July 3: *peace of Ulm*, by which Frederic V. lost Bohemia.

1622 Conquest of the Palatinate, by the Emperor Ferdinand II.

1625 *Danish period* of the Thirty Years' War, when Christian IV. became the head of the Protestant party. Treaty between Denmark, England, and Holland.

1626 League of the Swedes, Dutch and the Protestant princes of Germany, against the Emp'r.

1627 War commenced by Eng'd against France, in favor of the distressed French Protestants.

1629 War commenced by the king of France against the Emperor, the king of Spain, and the duke of Savoy, in favor of the claims of the duke of Nevers to the the territ'y of Mantua.

1629 April 14: peace ratified with France.

1629 May 22: *peace of Lubeck*, between the Emperor and the king of Denmark.

1630 France joined the Protestant princes of Germany, Gustavus Adolphus of Sweden, and and Holland, against the house of Austria, in Germany and Spain.

1630 England also acceded to the above alliance, with a view of procuring the restoration of the Elector Palatine.

1630 June 24: *Swedish period* of the Thirty Years' War, when Gustavus Adolphus made a descent on the Isle of Rugen

1630 October 13: *peace of Ratisbon*, between France and the Emperor; terminating the war for the Mantuan succession.

1630 November 27: peace proclaimed between England and Spain.

1631 January 13: subsiding alliance of France with Sweden.

1631 April, *alliance of Leipsig*, between the Elector of Saxony and the Protestant Princes.

1631 *Treaty of Chierasco*, by which the Duke of Nevers finally takes possession of his Mantuan territories.

1633 March: *Treaty of Heibron* between Sweden and the Northern Protestant states of Germany, after the death of Gustavus Adolphus.

1635 February 28: alliance between France and Holland.

1635 May 30: *peace of Prague* between the Emperor and the Elector of Saxony.

1635 May 19: war declared by France against Spain. France entered actively into the Thirty Years' War, forming the *French period*.

1640 Civil wars commenced in England; the Scotch army take Newcastle.

1641 The Duke of Braganza, having been declared king of Portugal, entered into an alliance with France, in their contest against Spain.

1648 January 30: *peace of Munster* between Spain and the Dutch. Independence of Holland fully recognized.

1648 October 24: the *peace of Westphalia*, signed at Munster and at Osneburg, between France, the Emperor, and Sweden; Spain continuing the war against France. By this peace the principle of a balance of power in Europe was first recognized; Alsace given to France, and part of Pomerania and some other districts to Sweden; the Elector Palatine restored to the Lower Palatine; the civil and political rights of the German states established; and the independence of the Swiss Confederation recognized by Germany.

1651 October: war commenced between the English commonwealth and the Dutch.

1654 April 5: peace ratified between the Dutch and the commonwealth of England.

1655 November 3: articles of peace signed between England and France.

1656 February 15: Spain declared war against England.

1656 November 10; *treaty of Liebau*, which annulled the feudal subjection of the Duchy of Prussia to the crown of Sweden.

1657 March 23: treaty of alliance between England and France, against Spain.

1657 May 27; alliance of Vienna between Poland, Denmark, and the Emp'r, against Sweden.

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1659 May 21: *treaty of the Hague* between England, France and Holland, to maintain the equilibrium of the North.

1659 November 7: peace concluded between France and Spain, by the *treaty of the Pyrenees:* Spain yielding Roussillon, Artois, and her rights to Alsace; and France ceded her conquests in Catalonia, Italy, &c., and engaging not to assist Portugal.

1660 May 3: the *peace of Oliva* ratified between Sweden, Poland, Prussia, and the Emperor. Esthonia and Livonia given up to Sweden.

1660 September: a proclamation issued at London for the cessation of hostilities with Spain.

1660 May 27: *peace of Copenhagen* between Sweden and Denmark.

1661 June 23: treaty of alliance between England and Portugal.

1663 France entered into a defensive alliance with Holland and Switzerland.

1664 November: the second war commenced between England and Holland.

1664 War between the Turks and the Emperor of Germany; after the Turks had been defeated, the *truce of Teameswar* was concluded, on September 7, for 20 years; the Emperor ceding Great Waradein and Neuhausel.

1666 January 26: France declared war against England; the Danes also entered into a league with the Dutch against England.

1666 October; war declared by England against Denmark.

1667 July 25; *peace of Breda* concluded between England, France, Holland, and Denmark.

1668 January 28; a treaty of alliance ratified between the States General and England, against France, for the protection of the Spanish Netherlands, Sweden afterwards joined the league; it was known as the *Triple Alliance*.

1668 February 13; *peace of Lisbon*, concluded between Spain and Portugal through the mediation of England. Independence of Portugal acknowledged by Spain.

1668 May 2; *peace of Aix-la-Chapelle* between France and Spain signed. France yields Franche Comte, but retains her conquests in the Netherlands.

1669 May 7; *treaty of the Hague* between Holland and Portugal; the Dutch allowed to retain their conquests in India.

1672 Treaty between France and England 12th Feb. and Sweden 14th April, against Holl'd.

1672 Aug. 30; An alliance entered into between the Emp'r, Spain, and Holland against France.

1673 June 16; *peace of Vossem* between the elector of Brandenburg and France. The former engaging not to assist the Dutch.

1673 France declared war against Holland.

1674 February; *peace of Westminster* between England and Holland.

1674 June; the Empire declared war against France

1678 January 10; treaty concluded between England and Holland, by which Holland detached Chares II. from the interests of France.

1678 August 11; *peace of Nimeguen* concluded between France and Holland. Spain accedes to the peace the 17th September, giving up Franche Compte, &c.; the Emperor on the 5th February following; and Sweden on March 29.

1679 June 29; *peace of St. Germain et Laye* concluded between France, Sweden, and the Elector of Brandenburg.

1679 September 2: *peace of Fontainbleau* between France and Denmark.

1683 March 31: *alliance of Warsaw*, between Austria and Poland, against Turkey, in pursuance of which John Sobieski assisted in raising the siege of Vienna, on Sept. 12.

1684 August 15; truce of Ratisbon concluded by France with Spain and the Empire, terminating the war of the previous year.

1686 *League of Augsburg* entered into by Holland and the other European powers for the purpose of causing the treaties of Munster and Nimeguen to be fulfilled on the part of France.

1688 France commences hostilities against the confederated states, and ravages the Palatinate.

1689 May 7; war declared by England against France.

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1689 May 12,; the *Grand Alliance* signed at Vienna between England, the Emperor, and the States General; to which Spain, and the Duke of Savoy afterwards acceded.

1696 August 29; the Duke of Savoy quitted the coalition, and entered into a treaty with France.

1697 September 20; *peace of Ryswick*, between France, England, Spain, and Holland; signed by Germany 30th October.

1698 October 11; *first treaty of Partition* signed between France, England, and Holland, for the purpose of regulating the succession of the territories of the king of Spain. Joseph Ferdinand, electoral Prince of Bavaria, declared presumptive heir.

1699 Jan. 26; *peace of Carlowitz*, between Turkey and Germany, Poland, Russia & Venice.

1700 March 13; *second treaty of Partition* between France, England and Holland, declared the archduke Charles presumptive heir of the Spanish monarchy, Joseph Ferdinand having died in 1699.

1700 October 2; Charles II., last male branch of the house of Austria, reigning in Spain, bequeathes the kingdom to Philip of Anjou.

1700 November 1; Charles II. of Spain died, and the claim of Philip of Anjou was recognized by the court of France.

1701 Sept. 7; England and Holland conclude a formal alliance at the Hague, to resist the claim of Philip of Anjou, to which almost all the European states successively acceded.

1701 November 16; King James II. dying, his son was proclaimed king of England by France, upon which William III. commanded the return of his ambassadors from France, and ordered the departure of the French ambassador from London.

1702 May 4; war declared against France and Spain, by England, the Empire and Holland.

1703 The *Methuen Treaty* betw Eng. and Portugal principally for the regulation of commerce

1706 Sept 24, *peace of Alt Ranstadt*, betw. Charles XII. of Sweden and Augustus of Poland.

1711 July 2; *peace of Falezi* concluded between Russia and Turkey, the Russians giving up Azoph and all their possessions on the Black Sea to the Turks; in the following year the war was renewed, and terminated by the *peace of Constantinople*, April 16, 1712.

1713 April 11; *peace of Utrecht*, signed by the ministers of Great Britain and France, as well as of all the other allies, except the ministers of the empire. The most important stipulations of this treaty were the security of the Protestant succession in England, the disuniting the French and Spanish crowns, the destruction of Dunkirk, the enlargement of the British colonies and plantations in America, and a full satisfaction for the claims of the allies.

1713 April 17; the Emperor Charles VI, published the *Pragmatic Sanction*, whereby, in default of man issue, his daughters should succeed in preference to the sons of his brother Joseph I.

1713 July 13; the *treaty of Utrecht* signed by Spain.

1714 March; *peace of Radstadt* between France and the Emperor.

1714 Sept. 7; *peace of Baden*, between France and the Emperor. Landau ceded to France.

1715 Nov. 15; *the Barrier Treaty* signed at Antwerp, by the British, the Imperial, and Dutch ministers. Low Countries ceded to the Emperor.

1717 Jan. 4; the *Triple Alliance of the Hague* between France, England and Holland, to oppose the designs of Cardinal Alberoni, the Spanish minister.

1718 July 21; *Peace of Passarowitz* between the Emperor, Venice, and Turkey.

1718 August 2; the treaty of alliance between Great Britain, France, and the Emperor, signed at London. This alliance, on the accession of the state of Holland, obtained the name of the *Quadruple Alliance*, and was for the purpose of guaranteeing the succession of the reigning families in Great Britain and France, and settling the partition of the Spanish monarchy.

1718 Nov. 18; the duke of Savoy joined the Quadruple Alliance, signing the treaty by his envoys at Whitehall.

1718 December; war declared by England against Spain.

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1718 Dec. 22; war declared against Spain by France, under the administration of the regent, Duke of Orleans.

1719 Nov. 20; *peace of Stockholm* between the king of Great Britain and the Queen of Sweden, by which the former acquired the Duchess of Bremen and Verden as Elector and Duke of Brunswick.

1720 Jan. 20; the king of Spain accepts and signs the *Quadruple Alliance.*

1721 Aug. 30; *peace of Nystett*, in Finland, between Sweden and Russia, whereby Livonia and Ingria were ceded to Russia.

1724 March 21; *treaty of Stockholm* between Russia and Sweden, in favor of the Duke of Holstein Gottorp.

1725 April 30; the *Vienna Treaty*, signed between the Emperor of Germany and the king of Spain, by which they confirmed to each other such parts of the Spanish dominions as they were respectively possessed of, and by a private treaty, Emperor engaged to employ a force to procure the restoration of Gibraltar to Spain, and to use means for placing the Pretender on the throne of Great Britain, Spain guaranteed the Pragmatic Sanction.

1725 Sept 3; the *Hanover treaty*, concluded between the kings of England, France and Prussia, as an act of self-defence, against the provisions of the Vienna treaty.

1726 Aug. 6; war between England and Spain commenced.

1726 Aug. 6; treaty of alliance between Russia and the Emperor.

1727 May 31; preliminary articles for a general pacification, signed at Paris by the ministers of G. Britain, the Emp, the king of France, and the States Gen. Ostend Co. suspended

1727 October 21; *treaty of Nipchoo* (Nerchinsk) between Russia and China, by which the boundaries of the two empires were settled, a Russian resident at Pekin, and 200 merchants allowed to trade to China once in 3 years. Not ratified until June 14, 1728, in consequence of the death of Catherine.

1728 June 14; a congress commenced its sitting at Soissons.

1729 Nov. 9; *the peace of Seaville*, between the courts of Great Britain, France and Spain; and a defensive alliance entered into; to this treaty the states of Holland afterwards acceded, Nov. 21.

1731 March 16; *the treaty of alliance of Vienna*, between the Emperor, Great Britain and Holland, by which the Pragmatic Sanction was guaranteed, and the disputes, as to Spanish succession terminated; Spain acceded to the treaty on the 22nd of July.

1732 Oct: 7; peace between Sweden and Poland.

1733 Oct. 10; war declared by the king of France against the Emperor, on account of the latter combining with the Russians to drive Stanislaus, father-in-law of the French king, from the throne of Poland, to which he was elected on the death of Augustus II.

1735 Oct. 3; preliminaries of peace signed at Vienna, between France and the Emperor; Spain acceded April 15, 1736.

1736 April 23; war commenced between Russia and Turkey.

1737 May 4; war declared against the Turks by the Emperor.

1738 Nov. 18; *the definitive peace of Vienna*, between the Emperor and the king of France, the latter power agreeing to guarantee the Prag. Sanc. Lorraine ceded to France.

1739 Sept. 18; *peace of Belgrade* between the Emperor and the Turks, the Emperor giving up Belgrade and Servia; this was speedily followed by a peace between Russia and Turkey, Russia surrendering Azoph and all her conquests on the Black Sea.

1739 October 23; war declared by England against Spain.

1740 August; a subsidy treaty concluded between Great Britain and Hesse.

1740 Oct: Charles VI. Emperor of Germany died, and was succeeded by his eldest daughter Maria Theresa, by virtue of the Prag. Sanction, which being opposed by the king of Spain and Poland, who supported the right of Elector of Bavaria founded on the will of Ferd. I., gave rise to a war in which most of the powers of Europe were engaged.

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1741 Alliance between Great Britain, Russia, and Poland, with the Queen of Hungary (the Empress Maria Theresa,) for the purpose of supporting the interests of the house of Austria, France, Spain, and Sardinia uniting by the same time in the interests of the Elector of Bavaria.

1742 June 28; *peace of Berlin*, between the king of Poland and the queen of Hungary. Silesia given up to Prussia.

1742 Nov. 18; a treaty for mutual defence and guarantee, signed at Whitehall; between Great Britain and Prussia.

1743 June 24; a defensive treaty concluded between Great Britain and Russia for 15 years.

1743 Aug. 7, *peace of Abo*, between Russia and Sweden.

1744 March 14; war declared formally by Louis XV. against Great Britain, France having been previously engaged merely as ally of the Elector of Bavaria.

1744 April 27; war declared between the Queen of Hungary and King of France.

1745 April 23; *peace of Fuissen*, between the Queen of Hungary and Elector of Bavaria.

1745 Dec. 25; *peace of Dresden*, between Saxony, Prussia, and the Queen of Hungary, confirming the treaties of Berlin and Breslau.

1748 April 30; preliminary articles for the *peace of Aix-la-Chapelle* signed by the ministers of Great Britain, France, and Holland. to which the Queen of Hungary, the King of Sardinia, and the Duke of Modena shortly after acceded, and Spain and Genoa before the end of June, in September and October the definitive treaty was concluded and signed by the respective powers. By this peace the treaties of Westphalia in 1648, or Nimeguen in 1678 and 1679, of Ryswick in 1697, of Utrecht in 1713, and of Baden in 1714, of the Triple Alliance in 1717, of the Quadruple Alliance in 1718, and of Vienna in 1738, were renewed and confirmed.

1750 Oct. 5; treaty between England and Spain, by which England renounced the *Assiento contract* for the supply of slaves, included in the peace of Utrecht in 1713.

1755 June 8; commencement of war by the English, by the attack on two French frigates in America.

1756 Jan. 16; treaty of alliance between Prussia and England. Hanover put under the safeguard of the king of Prussia.

1756 May 1; alliance between Austria and France, concluded at Versailles.

1756 June 9; war formally declared by France against England.

1756 Aug. 17; Saxony invaded by Prussia. Beginning of the Seven Years' War.

1756 Sept. 30; war between Austria and Prussia.

1757 July 17; war between Great Britain and Austria.

1757 Aug. 24; hostilities commenced between Sweden and Prussia.

1757 Sept. 10; *Convention of Closterseven*.

1757 Oct. 22; treaty of peace concluded between the province of Pennsylvania, and the Delaware and Shawnee Indians.

1761 Aug. 15; *the Family Compact* between the different branches of the House of Bourbon.

1762 Jan. 23; war declared by England against Spain, in consequence of the Family Compact.

1762 May 1; the Spanish and French invade Portugal, and an army sent from England to assist the Portuguese.

1762 May 5; *peace of Petersburg*, between Russia and Prussia. Russia restored all her conquests to Prussia.

1762 May 22; *peace of Hamburg*, between Sweden and Prussia.

1762 May 23; war declared by Portugal against Spain.

1762 Nov. 3; preliminaries of peace signed at Fontainbleau, between France and England.

1763 Feb. 10; *peace of Paris* concluded between France, Spain, Portugal, and Great Britain. Cession of Canada by France, and of Florida by Spain.

1763 February 15; *peace of Hubertsburg*, between Prussia, Austria and Saxony. End of the Seven Years' War.

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1765 March 22, American Stamp Act.

1765 October 7, the *first American Congress* met in New York, in which the nine colonies of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland and South Carolina, were represented; adjourned Oct. 25, after agreeing upon a declaration of rights, and adopting memorials to the king, and Parliament, the proceedings of this congress were approved by the absent colonies, New Hampshire, Virginia, North Carolina and Georgia.

1766 Feb 23, The grant from Hyder Ally, Khan, confirming the grants and privileges made to the E. India Co., by the several Malabar Powers; with regard to trade.

1766 March 18, Stamp Act repealed.

1767 June 29, British parliament lays a tax on paper, glass and tea, in the American colonies.

1768 Feb. 24, *treaty of Warsaw*, between Russia and Poland.

1769 Aug. 3, the treaty of perpetual friendship and peace, between the governor and council Fort St. George, at Madras, and Nabob Hyder Ally, Khan.

1770 March 5, citizens of Boston fired on by the British soldiers, under Captain Preston, when six of the inhabitants were killed, and a number wounded.

1770 Aug. 8, the treaty of peace, friendship and commerce, between the president and council of Bombay, and Nabob Hyder Ally, Khan, which confirmed the grant of the 23d of February, 1766.

1771 Jan. 22, a treaty concluded between Great Britain and Spain, confirming the possession of the Falkland islands to the former.

1772 Feb. 17, secret convention for the partition of Poland, by Russia and Prussia.

1772 Aug. 5, *treaty of Petersburg* for the same object, between Austria Russia and Prussia.

1773 Dec. 21, Tea on which the duty had been paid by the E. India Co., destroyed at Boston.

1774 July 21, peace of *Kutchut kainarji*, betw Russia & Turkey. Crimea declared indep'ent, Azoph ceded to Russia, and freedom of commerce and navigation of Bl'k sea granted

1774 Sept. 5, Congress of the American Colonies met at Philadelphia.

1775 April 19, hostilities commenced at Lexington, Mass., betw. G. Britain and the Colonists.

1775 June 7, North American Colonies first called "*The Twelve United Colonies.*"

1775 Nov 15, Lord Dunmore's Proclamation, declaring Martial Law in Virginia.

1775 Dec. 20, Proclamation of the king of England, declaring the Colonies out of his protection, and authorising the capture and condemnation of vessels and property of the Colonists, and of all others found trading with them.

1776 July 4, American Declaration of Independence.

1776 July 4, Edict of the king of Portugal, (the ally of Great Britain,) prohibiting the entry of American vessels in the ports of his dominions, and ordering that if any come in, they be driven out in the state in which they shall arrive, without succour of any kind being given to them.

1777 Oct. 17, British army under Lt. Gen. Burgoyne, surrendered prisoners of war to the Americans under Gen. Gates. This decisive victory convinced Europe of the ability of the Americans to maintain successfully their contest with Great Britain.

1778 Feb. 6, *treaty of alliance* concluded at Paris, between the U. States and France. This treaty is declared to be for the absolute maintenance of the Independence of the U. S. and in the event of a war between France and Great Britain the cause to be common to France and the U. States. Also, a *treaty of amity and comm.* betw U. S. and France

1778 March 13, war between England and France.

1778 Nov. 14, Consular Convention betw. France and the United States, signed.

1779 May 13, *peace of Teschen* ratified between Austria, Saxony and Prussia.

1780 Dec. 20, war declared by Great Britain against Holland.

1780 July 9 and Aug. 1, first conventions for the armed neutrality between Russia, Denm'k and Sweden. Dec. 22 the states-general acceded.

1781 May 8, king of Prussia accedes to the armed neutrality.

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1781 Oct. 9, the Emperor of Germany joins the armed neutrality.
1781 Oct. 19, the British army under L'd Cornwallis surrenders to the Americans at Yorktown
1782 July 16, contract betw the United States and France, whereby the latter furnishes the United States with 18,000,000 of livres at five per cent.
1782 Oct. 8, treaty of *Amity and Commerce*, concluded at Hague, between the United States and the Netherlands. A convention for the restitution of re-captured vessels was concluded at the same time.
1782 Nov. 30, the independence of the United States acknowledged by England, and preliminaries of peace signed at Paris between the British and American commissioners.
1783 Jan. 20, prelim. articles of peace signed at Versailles, between G. Britain, Spain & France
1783 Jan. 20, Crimea passes under the dominion of Russia.
1783 April 3, treaty of *Amity and Commerce*, concluded at Paris, between the United States and Sweden. The commercial relations of each nation placed on the most favorable footing, and it is declared that free ships mrke free goods.
1783 Sept. 2, preliminaries of peace between Great Britain and Holland, signed at Paris.
1783 Sept. 3, *definitive treaty of peace* between Great Britain and the United States signed at Paris. On the same day, the definitive treaty was signed at Versailles, between Great Britain, France and Spain.
1784 June 20, *definitive treaty of peace* between Great Britain and Holland, signed at Paris.
1785 July 23, Germanic confederation between Saxony, Brandenburg and Hanover.
1785 Sept. 10, treaty of amity and commerce, between the United States and Prussia.
1785 Nov. 8, the *treaty of Fontainebleau*, between the Emperor and Holland.
1786 June 28, treaty between the United States and Morocco.
1787 May 14, the Federal Convention assembled in Philadelphia, and remained in session until the 17th of September following, when they agreed to, and signed, the Constitution of the United States, which was subsequently adopted by all the States.
1787 Aug. 18, the Turks declare war against Russia.
1788 Feb. 10, the Emperor of Germany joined Russia against Turkey.
1788 Aug. 13, treaty of defensive alliance between G. Britain and Prus'a, concluded at Berlin.
1788 Sept. 13, the Congress of the U. S., by a Resolution declared that the Fed. Constitution had been ratified by the requisite number of States, and appointed the first Wednesday in March, 1789, for commencing the proceedings under the said Constitution.
1788 Sept. 25, the king of France convened the States General to assemble in January, 1789.
1788 Nov. 14, Commercial convention, concluded at Vers'lles betw. the U. States & France.
1789 March 4, the first Congress under the Federal Constitution, assembled in New York.
1789 July 14, French Revolution commenced, the Bastile destroyed.
1790 Sept. 27, the preliminary treaty ratified with Spain, relative to the Nootka Sound, and the definitive treaty signed on the 28th Oct. following.
1791 April 8, treaty between Great Britain and Morocco, signed at Sale.
1791 July 20, *convention of Pilnitz*, between the Emperor Leopold and the King of Prussia.
1792 April 20, the French National Assembly declared war against the Emp'r of Germany.
1792 June 26, First coalition against France took place, and king of Pr'sia issued his manifesto.
1792 Sept, war declared against Sardinia by the French National Assembly.
1793 Feb. 1, France declared war against Great Britain and Holland.
1793 Feb. 9, the Duke of Tuscany acknowledged the French republic.
1793 April 22, American Proclamation of neutrality.
1793 May 25, Spain engaged to assist Great Britain.
1793 Sept. 3, the king of Naples declared war against the French republic.
1793 G. Britain concluded treaties, July 14, with Prussia, Aug. 30, Austria, Sept. 26, Portugal.
1794 March 30, Foundation of the U. States Navy, laid by an act of Congress authorising the building of six frigates.
1794 Nov. 19, treaty of *Commerce and Navigation* concluded at London, betw. the U. States and G. Britain. Provides also for ascertaining boundaries, and settling claims.

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1795 February 15, the first pacification between the National Assembly of France, and the Vendeans, concluded.

1795 Feb. 18, a defensive alliance entered into with Russia by Great Britain.

1795 May 5, *peace of Basle*, between the King of Prussia and the French republic.

1795 May 16, treaty of alliance signed at Paris, between France and the United Provinces, against England. Dutch Flanders ceded to France.

1795 July 22, peace of Basle, betw' France and Spain. Spanish St. Domingo ceded to France.

1795 Sept. 5, treaty of peace betw' Algiers and the U. States. The U. S. to pay ann. $21,600.

1795 Oct. 20, treaty of *Limits and Navigation*, concluded at San Lorenzo el Real, between the United States and Spain. The middle of the channel or bed of the Mississippi to be the western boundary of the United States.

1795 Nov. 25, *the Partition of Poland* took place between Russia, Austria and Prussia.

1796 May 15, *treaty of Paris*, between the French republic, and the king of Sardinia, the latter ceding Savoy, Nice, the territory of Tende, and Beuil, and granting a free passage for troops through his states.

1796 Aug. 5, the *treaty of Berlin* ratified between Prussia and France, whereby the neutrality of the north of Germany was guaranteed.

1796 Aug. 19, an alliance offensive and defensive concluded at St. Idlefonso, between France and Spain.

1796 Nov. 4, treaty of peace between the United States and Tripoli. The United States by a payment of a sum demanded before signing this treaty, is exonerated from all tribute in future, except certain stipulated consular presents.

1797 Feb. 19, *treaty of Tolentino* between the French republic and the Pope.

1797 April 18, preliminaries of the *peace of Loeben*, signed between Austria and France.

1797 Oct. 17, *treaty of Campo Formio*; between France and Austria, the latter power yielding the Low Countries and the Ionian Islands to France; and Milan, Mantua and Modena, to the Cisalpine republic.

1797 Dec. 9, *congress of Radstadt* commenced its labours to treat concerning a general peace with the Germanic powers.

1798 Switzerland invaded by the French.

1798 July 9, War declared by the United States against France.

1798 Sept. 12, war declared against France by the Porte, and an alliance, offensive and defensive, entered into between the latter power, Russia and Great Britain.

1798 Oct. 3, Naples and Sardinia commence hostilities against France.

1798 Dec. 29, a treaty of alliance and subsidies, agreed upon between Great Britain and Russia, against France.

1799 June 22, the *second coalition* against France, by Great Britain, the Emperors of Germany and Russia, part of the German empire, the kings of Naples and Portugal, Turkey and the Barbary States. Conference of Radstadt broken up.

1799 July 11, second treaty of Amity and Commerce, concluded at Berlin, between the United States and Prussia.

1799 Aug. 26, treaty of pence between the United States and Tunis.

1800 June 20, a treaty of subsidies ratified at Vienna, between Austria and England, stipulating the war should be vigorously prosecuted against France, and that neither of the contracting powers should enter into a separate peace.

1800 Sept. 30, a treaty of amity and commerce, ratified between France and the U. States, of America. Stipulated in the treaty that the flag should protect the cargo.

1800 Dec. 16, a *treaty of armed neutrality ratified*, between Russia, Denmark, and Sweden, at Petersburg, in order to cause their flags to be respected by the belligerent powers. The principle, that neutral flags protect neutral bottoms, being contrary to the maritime system of England, the British cabinet remonstrated, when the Emp'r Paul caused an embargo to be laid on all English vessels in his ports, detaining their crews whom he marched up the country. Prussia afterwards acceded to this treaty.

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1801 Jan. 14, a proclamation issued by Great Britain, authorizing reprisals, and laying an embargo on all Russian, Swedish and Danish vessels.

1801 Feb. 9, *peace of Luneville*, between the French republic and the emperor of Germany; confirming the cessions made by the treaty of Campo Formio, stipulating that the Rhine, to the Dutch territories, should form the boundary of France, and recognizing the independence of the Batavian, Helvetic, Ligurian and Cisalpine republics.

1801 March 3, war declared by Spain against Portugal.

1801 March 21, a treaty signed at Madrid between France and Spain, whereby the estates of Parma were yielded to France, who in return ceded Tuscany to the Infanta Prince of Parma, with the title of king of Etruria.

1801 March 28, a treaty of peace between France and the king of Naples, signed at Florence, by which France acquired the isles of Elbe, Piombino and Presides.

1801 June 10, War declared by the United States against Tripoli.

1801 June 17, a treaty concluded between Great Britain and Russia, at Petersburg.

1801 July 15, the *Concordat* between Bonaparte and Pius VII., signed at Paris.

1801 Aug. 8, a treaty of peace concluded between Spain and Portugal.

1801 Sept. 29, a treaty of peace signed at Madrid, between France and Portugal.

1801 Oct. 1, preliminary articles of peace between France and England, signed at London, by Lord Hawkesbury and M. Otto.

1801 Oct. 8, a treaty of peace ratified at Paris betw' the Emp'r of Russia and the French Gov.

1802 Jan. 8, convention concluded at London, between the United States and Great Britain; for settlement of claims under 6th and 7th articles of the treaty of Nov. 19, 1794.

1802 March 25, *peace of Amiens* between Great Britain, France, Spain and Holland.

1802 Aug. 11, convention of indemnification, concluded at Madrid, betw' the U. States & Spain

1802 Sept. 11, Piedmont united to France.

1803 March 14, hostilities renewed between Great Britain and France.

1802 June 25, Definitive treaty between France and the Ottoman Porte.

1803 April 30, treaty of *Cession of Louisiana*, by which France ceded Louisiana to the United States, concluded at Paris. By a convention of the same date, the United States agreed to pay 60,000,000 francs to France for Louisiana, and to settle certain claims. By another convention of the same date, France agrees to pay the claims of American citizens due prior to Sept. 30, 1800.

1803 May 18, war declared by Great Britain against France.

1803 Aug. 1, a treaty ratified between Great Britain and Sweden.

1804 Dec. 12, Spain declared war against Great Britain.

1805 Jan 24, war declared against Spain by Great Britain.

1805 April 8, the *treaty of Petersburg* entered into for a third coalition against France, England and Russia being the contracting parties.

1805 June 4, treaty of peace between the United States and Tripoli, in which it is stipulated that prisoners of war are not to be slaves, but to be exchanged.

1805 Aug. 9, the Emperor of Austria acceded to the treaty of Petersburg.

1805 Aug. 31, an alliance offensive and defensive, entered into at Beekaskog, between Great Britain and Sweden.

1805 Sept. 8, *third coalition* against France, the parties being Great Britain, Russia, Austria, Sweden and Naples.

1805 Sept. 21, a treaty of neutrality signed between France and Naples.

1805 Dec. 26, *peace of Presburg* between France and Austria, by which the ancient states of Venice were ceded to Italy; the principality of Eichstett, part of the bishopric of Passau, the city of Augsburg, the Tyrol, all the possessions of Austria in Suabia, in Brisgau, and Ortenau, were transferred to the Elector of Bavaria and the Duke of Wirtemberg, who, as well as the Duke of Baden, were then created kings by Napoleon; the independence of the Helvetic republic was also stipulated.

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1806 April 7, War between Great Britain and Prussia.

1806 Aprtl 18, Non importation act, prohibiting the importation into the United States, of certain manufactures of Great Britain or dependencies.

1806 May 16, British *order of Blockade* of the coasts, rivers and ports, from the river Elbe, to the river Brest, both inclusive.

1806 July 12, the Germanic *confederation of the Rhine*, formed under the auspices of Napol'n

1806 July 20, *peace of Paris* betw. France & Russ. which Alex'r subsequently refused to ratify

1806 Aug. 1, treaty of 12th of July notified to the diet at Ratisbon, when the German princes sceeded from the Ger. empire, & placed themselves under the protection of Napo'n

1806 Oct. 6, the *4th coalition* formed against France, by G. Britain, Russia Prussia and Saxony.

1806 Nov. 21, *Berlin decree*, issued by France, declaring all British islands in a state of bl'kade.

1807 Nov. 28, war declared against France by Russia.

1807 Dec. 11, a treaty of peace and alliance signed at Posen, between Napoleon and the elector of Saxony, who then assumed the title of king.

1806 Dec. 17, war declared against Russia by Turkey.

1806 Dec. 31, a treaty of commerce concluded at London, between Great Britain and the U. States, which was afterwards rejected by the American Government.

1807 Jan. 7, British *orders in council*, restricting neutral trade.

1807 June 22, British Frigate Leopard attacks the United States Frigate Chesapeake, in Hampton Roads, in time of peace.

1807 July 2, President's Proclamation prohibiting the entry of British armed vessels in the waters of the United States.

1807 July 7, *peace of Tilsit* concluded between France and Russia, when Napoleon restored to the Prussian monarch one-half of his territories, and Russia recognized the Confederation of the Rhine, and the elevation of Napoleon's three brothers, Joseph, Louis and Jerome, to the thrones of Naples, Holland and Westphalia; this treaty was ratified on the 19th.

1807 Aug. 16, a Danish declaration published against Great Britain.

1807 Oct. 8, the Prince Regent of Portugal ordered all his ports to be shut against the British, which order was speedily revoked, and on the French approaching Lisbon, he embarked on Nov. 27, for the Brazils.

1807 Oct. 31, a treaty of alliance entered into between France and Denmark.

1807 Nov. 1, Russia declared war against England.

1807 Nov. 10, treaty ratified at Paris between France and Holland whereby Flushing was ceded to France.

1807 Nov. 11, British *Orders in Council*, declaring all ports, and places belonging to France, and its allies, in a state of blockade; in prohibiting all trade in the produce and manufactures; and making all vessels with their cargoes, trading to such countries, subject to capture and condemnation.

1807 Dec. 17, *Milan Decree*, by France, declaring the British islands are in a state of blockade by sea and land, and that every ship of whatever nation, or whatsoever the nature of its cargo may be, that sails from England, or English colonies, or countries occupied by English troops, and proceeding to England, to English colonies, or to countries occupied by the English, to be good prize.

1807 Dec. 22, an *Embargo* laid on all the ports of the U. States, by an act of Congress.

1808 Jan. 1, Slave trade abolished by the United States.

1808 Feb. 8, treaty of peace between Great Britain and Sweden.

1808 Feb. 18, a declaration issued by Austria, breaking off all connexion with England.

1808 Feb. 29, Denmark declared war against Sweden.

1808 March 30, a treaty of alliance and subsidy entered into between England and Sicily, whereby the latter was to be garrisoned by 10,000 British troops, and to receive an annual subsidy of 300,000*l.*

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1808 May 5, *treaty of Bayonne*, whereby Charles IV. ceded all his titles to Spain, and its dependencies to Napoleon, expressly resigning to him the right of transmitting the crown to whomsoever he should think fitting.

1808 May, On the festival of St. Ferdinand, insurrections broke out in several parts of Spain, at Cadiz in particular.

1808 June 6, war commenced between the Spanish Patriots and France.

1808 June 16, insurrection of the Portuguese at Oporto, which spread so rapidly as to occasion the evacuation of the northern province by the French troops.

1808 June 25, Span. proclamation of peace with Eng' & Sweden, her ally published at Ovideo.

1808 Aug. 30, the *convention of Cintra*, signed, the French agreeing to evacuate Portugal

1808 Nov. 5, the *convention of Berlin*, entered into, whereby Napoleon remitted to Prussia the sum due on the war debt, and withdrew his troops from many of the fortresses in order to reinforce his armies in Spain.

1809 Jan. 5, peace ratified between Great Britain and the Ottoman Porte.

1809 Jan. 14, a treaty of alliance ratified between England and the Spanish insurgents.

1809 March 1, Embargo act of 22nd Dec. 1807, repealed except so far as relates to trade with Great Britain and France.

1809 March 1, *Non-intercourse act*, inderdicting commercial intercourse with Great Britain and France. Continued by act of June 28, 1809, to May 1, 1810.

1809 April 6, war declared against the French by the Austrians.

1809 April 9, the *fifth coalition* against France, by Great Britain and Austria.

1809 April 19, negotiation concluded by Mr Erskine, in consequence of which the trade with Great Britain was renewed on the 10th of June.

1809 April 26, British order in council issued, modifying the *former* blockade.

1809 July 25, Armistice between Sweden and Norway.

1809 Sept. 17, a treaty of peace signed between Russia and Sweden.

1809 Oct. 14, Peace of Vienna between France and Austria, Austria ceding to France, the Tyrol, Dalmatia, and other territories, which were shortly afterwards declared to be united to France under the title of the Illyrian provinces, and engaging to adhere to the prohibitory system adopted towards England by France and Russia.

1810 Jan. 6, *peace of Paris*, between France and Sweden, whereby Swedish Pomerania and the island of Rugen were given up to the Swedes, who agreed to adopt the French prohibitory system against Great Britain.

1810 Feb. 19, treaties of alliance and commerce signed between Great Britain and Brazil.

1810 April 13, Sweden interdicts all commerce with England.

1810 April 19 the South American provinces of Caracas, &c. form a federative government, under the title of the Foderation of Venezuela.

1810 May 1, all French and English vessels prohibited from entering the ports of the U.States.

1810 May 1. Non-Intercourse Act, of the United States, to be suspended with Great Britain or France, upon the revocation of the orders in council of the former, or the decrees of the latter power.

1810 May 29, the Dey of Algiers decared war against France.

1810 July 9, Holland incorporated with France on the abdication of Louis Bonaparte.

1810 Nov. 2, President's Proclamation, declaring a revocation by France of the Berlin and Milan decress, and continuing a non-intercourse with Great Britain.

1810 Nov. 19, Sweden declared war against Great Britain.

1811 March 2. Non-intercourse with Great Britain revived, to continue till her edicts are revoked, or so modified, as that they cease to violate the neutral commerce of the U. States

1812 March 14, treaty of alliance signed at Paris between France and Austria.

1812 March 24, treaty of alliance, signed at St. Petersburg, between Bernadotte, Prince Royal of Sweden, and the emperor Alexander, the former agreeing to join the campaign against France, in return for which Sweden was to receive Norway.

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1812 May 28, preliminaries of peace ratified at Bucharest between Russia and Turkey, it being stipulated that the Pruth should form the limits of those empires.

1812 June 19, the United States of America declare war against Great Britain.

1812 June 22, Napoleon having assembled an immense army in Western Prussia, declared war against Russia.

1812 July 6, a treaty of peace between Great Britain and Sweden; ratified at Orebo.

1812 July 20, treaty signed between the Emperor Alexander and the Regency of Cadiz, in the name of Ferdinand the Seventh of Spain.

1812 August 1, treaty of peace and union signed at St. Petersburg, between Great Britain and Russia, renewing their ancient relations of friendship and commerce.

1813 Jan. 25, *concordat at Fontainebleau*, between Napoleon and Pius VII.

1813 March 1; the *sixth coalition* entered into between Russia and Prussia against France, the treaty being ratified at Kalisch.

1813 March 3, the *treaty of Stockholm* entered into between England and Sweden.

1813 June 14, a treaty of alliance entered into between Great Britain, Russia and Prussia.

1813 July 8, the *convention of Peterswalden* took place between Great Britain and Russia.

1813 July 10, a reciprocal treaty of alliance and guarantee entered into between France and Denmark, ratified at Copenhagen

1813 Sept. 3, war declared by Denmark against Sweden.

1813 Sept. 9, a triple *treaty of alliance* ratified at Topiltz betw. Russia, Austria and Prussia.

1813 Oct. 3, a preliminary treaty of alliance signed at Topiltz betw. Austria and G. Britain.

1813 Dec. 8, *treaty of Valencay*, between Napoleon and Ferdinand VII. of Spain, whereby the latter was put in full possession of that kingdom, on agreeing to maintain its integ'ty

1814 Jan. 14, *treaty of Keil* between Great Britain, Sweden and Denmark. Norway ceded to Sweden.

1814 Feb. 5, the Cortes of Spain renounce the treaty ratified at Valencay.

1814 Feb. 5, congress of Chatillon between the four great powers allied against France, at which Caulaincourt attended on the part of France; congress broke up March 19.

1814 March 1, *treaty of Chaumont* between Great Britain, Austria, Russia and Prussia.

1814 April 11, the *treaty of Paris*, ratified on the part of Napoleon and the allies, by which Napoleon renounced his sovereignty over France, &c., stipulating that the isle of Elba should be his domain and residence for life, with a suitable provision for himself and Maria Louisa, who was to have vested in her the duchies of Parma and Placentia, the same to descend to her son.

1814 April 23, a convention signed at Paris between the Count d'Artois on the one part, and Allied Powers on the other; stipulating that all hostilities should cease by land and sea; that the confederate armies should evacuate the French territory, leaving its boundaries the same as they were on the 1st January, 1792.

1814 May 30, *peace of Paris*, ratified between France and the Allied Powers, in a supplemental article of which Louis XVIII, stipulated that he would exert his endeavors with the continental powers to ensure the abolition of the slave trade, in conjunction with Great Britain.

1814 July 20, a treaty of peace between France and Spain, signed at Paris, confirming the stipulations of previous treaties which had existed on the 1st of January, 1792.

1814 July 26, Norway and Sweden commence hostilities. Norway opposing her separation from Denmark, but eventually submitting in the following August.

1814 August 13, convention between Great Britain and the Sovereign Prince of the Low Countries, respecting the Dutch colonies.

1814 August 14, the Public Buildings in the City of Washington burnt by Admiral Cockburn and General Ross.

1814 Sept. 28, convention ratified at Vienna, Saxony placed under control of Prussia.

1814 Dec. 24, *peace of Ghent* between Great Britain and the United States of America.

1815 Jan. 8, *Victory of New Orleans*, achieved by Gen. Jackson over the British forces.

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1815 March 3, War declared by the United States against Algiers.

1815 March 13, the eight powers, who had ratified the treaty of Paris, issued a manifesto after the escape of Napoleon from Elba, declaring him a common enemy to the repose of the world.

1815 March 23, *treaty of Vienna*, between Great Britain, Austria, Russia and Prussia, confirming the principles on which they had acted by the treaty of Chaumont, Mar. 1, 1814

1815 March 28, war commenced by Murat against Austria.

1815 May 18, peace ratified between Saxony and Prussia.

1815 May 20, a convention signed at Zurich between the Swiss Diet and the plenipotentiaries of Great Britain, Austria, Russia and Prussia.

1815 May 20, a convention entered into near Capau between the Austrian commander and the English envoy and Joachim Murat by which the latter surrendered his kingdom to King Ferdinand.

1815 May 31, *treaty of Vienna* between the King of the Low Countries on the one part, and Great Britain, Russia, Austria and Prussia, on the other, agreeing to the enlargement of the Dutch territories, and vesting the sovereignty in the House of Orange.

1815 June 4, *treaty of Vienna*, Denmark cedes Swedish Pomerania & Rugen to Prussia in exchange for Lunenburg.

1815 June 8, federative constitution of Germany signed at Vienna

1815 June 15, hostilities began by Napoleon's entry into Belgium.

1815 June 18, *Battle of Waterloo*, followed by the most important political consequences.

1815 June 30, treaty of peace between the United States and Algiers, concluded in the harbor of Algiers, on board the United States' ship Guerriere. By this treaty, tribute in any form to Algiers was abolished; all prisoners in their possession were to be given up without ransom: prisoners taken by them were not to be made slaves; and Christian captives of any nation taking refuge on board U. S. ships of war were free.

1815 July 3, Commer. convention concluded at London, betw. the U. States and G. Britain.

1815 July 3, the convention of St. Cloud entered into between Marshal Davoust on the one part, and Wellington and Blucher on the other, by which Paris was surrendered to the allies, who entered it on the 6th.

1815 July 15, Napoleon at Rochefort surrendered himself to the protection of England.

1815 Aug. 2, a convention signed at Paris between G. Britain, Austria, Russia and Prussia, styling Napoleon the prisoner of those powers, and confiding his safeguard particularly to the British government.

1815 Sept. 14, a convention entered into at Vienna, whereby the Duchies of Parma, &c. were secured to the Empress Maria Louisa, and on her demise to her son, by Napoleon.

1815 Sept. 26, the treaty denominated the *Holy Alliance* ratified at Paris by the Emperors Austria and Russia, and the king of Prussia.

1815 Nov. 5, a treaty ratified at Paris between Great Britain and Russia respecting the Ionian islands, which were declared to form a united state under the sole protection of the former power.

1815 Nov. 20, *peace of Paris* between France on the one part, and Great Britain, Austria, Russia and Prussia, on the other, establishing the boundaries of France, and stipulating for the garrisoning of several fortresses in France by foreign troops for 3 years.

1815 Nov. 20, the *treaty of Paris* executed between Great Britain, Russia, Austria, and Prussia; confirming the treaties of Chaumont, as well as those of Vienna.

1816 March 13, a treaty entered into between France and the Swiss Cantons, whereby 12,000 Swiss troops were admitted into the French service.

1816 July 9, Declaration of Independence of Chili.

1816 Sept. 4, treaty of commerce concluded at Stockholm, between the U. States and Sweden

1816 Dec. 22, treaty between the United States and Algiers.

1817 June 10, *treaty of Paris* between Great Britain, France, Spain, Russia and Prussia, in order to fulfil the articles of the congress of Vienna.

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1817 Aug. 28, a treaty concluded at Paris between France and Portugal relative to the surrendering up of French Guiana.

1818 April 25, a convention signed at Paris between France on the one part, and the allied powers on the other, releasing France from all debts referred to in the treaties from the 30th May, 1814, to the 20th November, 1815.

1818 April 25, a convention ratified at Paris between England and France, whereby the latter power undertook to liquidate all further demands on the part of the Brit. subjects.

1818 May 4, a treaty ratified betw. G. Britain and the Netherlands for abolishing slave trade.

1818 Oct. 9, a convention entered into by the great powers of Europe, assembled at Aix-la-Chapelle, on the one part, and the Duke de Richelieu on the other, whereby it was stipulated that the army of occupation should quit the French territory on the 30th of November ensuing; it was also agreed that the remaining sum due from France to the Allies was 265,000,000 francs.

1818 Oct. 20, Convention concluded at London, between the United States and Great Britain, in relation to Fisheries and Boundaries; continuing the convention of July 3, 1815, for ten years,; and referring the differences under the first article of the treaty of Ghent, December 24, 1814, to the decision of a friendly power.

1819 Jan. Treaty of friendship and alliance, concluded at Buenos-Ayres, between Chili and the United Provinces of the Rio de la Plata.

1819 Feb. 23, treaty for the *Cession of Florida* to the United States, by Spain, concluded at Washington. As an equivalent for Florida, the United States pays to its own citizens claims against Spain, to the amount of $5,000,000. The boundaries fixed by this treaty, are the Sabine, the Red river, the Arkansas, and the northern boundary, latitude 42 deg. north, to the Pacific.

1820 Aug. 20, Decree of the Supreme Director of Chili, decl. the blockade of the ports of Peru

1820 Oct. 20, *congress of Troppau.*

1820 Nov. 25, *treaty of Armistice*, at Truxillo, between the Spanish and Colombian armies.

1821 March 27, Proclamation of the Governor and Captain of Buenos-Ayres, respecting the designs of the Brazilian Government upon Mont de Video.

1821 May 6, the *Congress of Laybach*, which had been for some time attended by the sovereigns of Austria, Russia and Prussia, finally broke up, having issued two circulars stating it to their resolution to occupy Naples with Austrian troops, and proscribe popular insurrection.

1821 July 22, Proclamation of Gen. San Martin, at Lima, the Independence of Peru.

1821 July 31, Convention signed at Monte Video for the incorporation of the Eastern province of the Rio de la Plata with the kingdom of Brazil.

1821 Aug. 24, Treaty of peace ratified at Cordova, between the armies of Spain and Mexico.

1821 Oct. 13, Mexican Declaration of Independence.

1822 Jan. 1, the Greeks declare their independence.

1822 March 8, independence of the Spanish American Colonies recognized by the U. States

1822 April 22, Award of the Emperor of Russia in favor of the United States, in the differences arising under the construction of the 1st article of the treaty of Ghent.

1822 June 17, M. Torres received as Charge d'affaires from Colombia. This is the first instance of a diplomatic agent from any of the South American states being accredited

1822 June 24, Convention of Navigation and Commerce, between the United States and France, concluded at Washington.

1822 July 6, treaty of perpetual union, league and confederation, betw. Peru and Colombia.

1822 July 12, Convention concluded at St. Petersburg, between the United States and Great Britain, under the award of the emperor of Russia, of April 22, of the same year.

1822 Sept. 15, *Maracaibo Decree*, by Gen. Morales, relative to the *Blockade of the Spanish Main*, and punishment of foreigners in the service, or in the territories in the possession of Spanish American Insurgents.

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1822 Oct. 21, treaty of perpetual union, league and confederation, between Buenos Ayres, Columbia and Chili, ratified at Santaigo de Chili.
1822 Nov. Brazil declared Independence
1822 Dec. 11, Convention of friendship and limits, between the Cisplatine state, and the province of Entre Rioz, Buenos Ayres, at St. Jose.
1822 Dec. 23, treaty of friendship, league and confederation, between Peru and Chili, concluded at Santiago de Chili.
1823 Jan. 27, Ministers Plenipo. appointed by the U. States to the republics of South America
1823 March 8, treaty of friendship and alliance between Colombia and Buenos Ayres.
1823 March 19, act of abdication of Augustine Iturbide, as emperor of Mexico.
1823 April 7, the French invaded Spain, alleging the necessity of protecting Ferdinand against the Liberal party.
1823 July 1, Declaration of independence of the United Provinces of Central America.
1823 Oct. 3, treaty of perpetual union, league, &c., betw. Colombia and Mexico.
1823 Oct. 30, British consuls appointed to the South American states.
1823 Nov. 18, treaty for the evacuation of Monte Video, [Brazil] by the Portuguese forces.
1823 Dec. 29, political constitution of the state of Chili framed.
1824 Feb. 4, a convention between Great Britain and Austria laid upon the table of the House of Commons, by which the former agreed to accept £2,500,000 as a final compensation for their claims upon the latter power, amounting to £30,000,000.
1824 Feb. 25, treaty between the United States and Tunis.
1824 April 17, convention concluded at St Petersburg between the United States and Russia, fixing the boundaries between the two powers on the western coast of America, 54 degrees, 40 minutes, north latitude.
1824 June 16, commercial treaty between Great Britain and Denmark.
1824 Oct. 3, treaty of Nav'g. and Comm. btw' the U. States & Colombia, concluded at Bogota.
1825 Jan. 9, the British government determined to acknowledge the independence of Mexico, Colombia and Buenos Ayres, by sending out commissioners charged with full powers to conclude treaties of comm'e betw' them and G. Britain, founded on that recognition.
1825 Feb. 2, treaty of commerce signed at Buenos Ayres, between Great Britain and the United Provinces of the Rio de la Plata.
1825 Feb. 2, treaty of amity, commerce, and navigation, betw Great Britain and Buenos Ayres
1825 Feb. 28, convention concluded between Great Britain and Russia, frontier of north-west coast of America settled.
1825 March 15, treaty of perpetual union, league and confederation, between Colombia and Guatemala, concluded at Bogota.
1825 April 17, France recognized the independence of St Domingo.
1825 April 18, treaty of amity between Great Britain and Colombia.
1825 Aug. 6, Declaration of independence of the provinces of Upper Peru.
1825 Aug. 29, Treaty of Rio de Janeiro, betw. Portugal and Brazil, concerning the recognition of the independence of Brazil.
1825 Sept. 20, commercial treaty between Great Britain and Hanse towns.
1825 Oct. 18, treaty between Great Britain and Brazil for the abolition of the slave trade.
1825 Dec. 5, treaty of commerce and navigation between the United States and Central America, (Guatemala,) concluded at Washington.
1826 Jan. 26, treaty of navigation between Great Britain and France.
1826 April 26, treaty of commerce and navigation between the United States and Denmark, concluded at Washington.
1826 May 19, treaty of navigation between Great Britain and Sweden.
1826 June 22, Congress of Panama installed—July 15, adjourned to Tacubaya.
1826 July 13, convention concluded at London, by which Great Britain in compliance, with the award of the Emperor of Russia, of April 22, 1822, agrees to pay the U. States, $1,204.960 for property carried away contrary to the 1st article of the treaty of Ghent.
1826 Sep. 4, *treaty of Akermann.*

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1826 Nov. 15, treaty of federation betw. Bolivia and Peru, concluded at Chuquisaca.
1827 March 13; Proclamation of the President of the United States, prohibiting trade with certain British colonial ports.
1827 July 4, treaty of Commerce and Navigation concluded at Stockholm, between the United States, and Sweden and Norway.
1827 Aug. 6, the commercial convention between the United States and Great Britain, of October 20, 1818, which was limited to ten years, continued indefinitely.
1827 Sep. 29, Convention concluded at London between the United States and Great Britain, agreeing to refer the differences arising under the 5th article of the treaty of Ghent, (for the settlement of boundaries,) to the decision of a friendly power.
1827 Oct. 16, treaty of Constantinople, betw Spain and Turkey, respecting the Black Sea.
1827 Dec. 20, treaty of Commerce and Navigation concluded at Washington, between the United States and the Free Hanseatic Republics of Lubec, Bremen, and Hamburg. Additional article agreed to June 4, 1828.
1828 Feb. 10-26, Convention of friendship and commerce between Sweden and Russia.
1828 Feb. 22 *peace of Turkmanchay* between Russia and Persia. Erivan and Nakhitchwan ceded to Russia.
1828 April 26, Russia declares war against Turkey.
1828 May 1, treaty of Comm. and Nav. concluded at Wash'ton, betw' the U. S. and Prussia.
1828 June 26, convention betw' G. Britain and Spain for satisfying claims of British merchants.
1828 July 14, Treaty between Austria and Switzerland, for the mutual surrender of criminals.
1828 Aug. 6, convention between the Viceroy of Egypt and Sir E. Codrington for the evacuation of the Morea.
1828 Aug. 29, treaty of peace between Brazil and Buenos Ayres, at Rio Janeiro.
1828 Oct. 28, peace between Naples and Tripoli.
1828 Dec. 12, treaty of Commerce and Navigation concluded at Rio de Janeiro, between the United States and Brazil, ratified at Washington.
1829 Jan. 1, The general congress of Mexico opened by a speech from president Victoria
1829 Jan. 6, Vincente Guerrero chosen president, and Anastasio Bustamente vice-president of Mexico, by the general congress.
1829 Jan. 18, Dispersion of the guilleras and destruction of the Patian faction in the Southern part of Colombia by General Cordova.
1829 Jan. 22, Four hundred and fifty indians belonging to the army of the provinces under the command of Molina, surprised and cut to pieces by general Lavalle, provisional Governor of Buenos Ayres.
1829 Jan. 26, Proclamation of Bolivar to the insurgents under Obando and to the inhabitants of Cauca, Popayan, & Patia, offering pardon to all who should surrender within 20 days
1829 Feb. 7, General Harrison, Minister Plenipotentiary from the United States to Colombia, rec'd & recog'd at Bogota, by the min'r of State, in the absence of the president Bolivar.
1829 Feb. 10, Death of Leo XII, pope of Rome.
1829 Feb. 21; Field marshal count Wittgenstein resigns the command of the Russian army for the invasion of Turkey, and general Diebitsch appointed to succeed him.
1829 Feb. 24, The king of Spain issues a decree constituting the city of Cadiz a free port.
1829 Feb. 27, Battle between the Colombian and Peruvian armies at Tarqui, in the southern part of Colombia; the former consisting 5000 and the latter of 8000 men. The Peruvians were defeated with considerable loss. Convention signed for the cessation of hostilities on the field of battle, and mutual differences referred to the arbitration of the United States' government.
1829 March 4, Andrew Jackson inaugurated as president of the United States at Washington.
1829 March 22, Protocol agreed on between the plenipotentiaries of Great Britain, France, and Russia; fixing the government, boundaries, &c., of Greece.

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1829 March 28, General Rauch of the Lavalle or Buenos Ayres party, defeated by the Montoneros or party of the provinces

1829 April 1, General Guerrero inaugurated as president of the Mexican republic at Mexico.

1829 April 3, Proclamation of Bolivar to the Colombians, complaining of the non-fulfilment by Peru of the convention concluded after the battle of Tarqui.

1829 April 12, Capitulation of the City of Guatemala, after a long siege and some hard fighting, to the army of St Salvador under general Morazan.

1829 April 16, General Lamar embarks at Patia for Guayaquil with 1200 troops and 200 horses for the purpose or recommencing hostilities with the Peruvians.

1829 May 6, The French consul general at Buenos Ayres demanded his passports and left that place, in consequence of alleged insults to his flag and nation. The French admiral took possession of the Buenos Ayrean fleet of four brigs and several gunboats after a hard action. One of the brigs burnt.

1829 May 17, Death of John Jay at Bedford, New-York. He was one of the presidents of the old continental congress, minister to Spain and Great Britain, governor of New-York, and chief Justice of the United States.

1829 May 17, A French minister, M. Bresson, arrives, and is presented to the Colombian government at Bogota.

1829 May 24, Coronation of the emperor Nicholas of Russia, as king of Poland, at Warsaw.

1829 May 27, treaty of commerce and customs, between Bavaria on the one part, and Prussia, Hesse, Darnstadt and Wirtemburg on the other part, ratified at Berlin.

1829 June 6, Revolution effected at Lima by the party favorable to Bolivar; general Gamarra made president, and La Fuentes vice-president.

1829 June 16, The emperor of Russia arrives at Warsaw.

1829 June 19, Mr Gordon & Guilleminot, the British & French amb's, arrive at Constantinpole.

1829 June 24, Peace concluded between generals Lavalle and Rosas, the chiefs of the two contending parties in the Argentine republic [Buenos Ayres.]

1829 July 6, *treaty of London* between Russia, France and Great Britain, for the settlement of the affairs of Greece.

1829 July 17, 18, and 19, Passage of the Balkane effected by the Russians, with comparatively little difficulty. The Turks lost 10 cannon, 400 prisoners, and a considerable number of killed.

1829 July 23, Greek national assembly opened at Argos, on which occasion the count Capo d'Istria made a long speech.

1829 Aug. 1, Capture of Jambouli, and destruction of Turkish camp, by a brigade of Hulans and Cossacks under general Sher m tief, after having defeated on the road a body of 15,000 Turks, commanded by Halil Pacha.

1829 Aug. 2, Marriage of the emperor don Pedro, of Brazil, to the princess de Leuchtenberg at Munich; Prince Charles of Bavaria acting as proxy for the emperor.

1829 Aug. 12, Mr M'Lane, Envoy to Great Britain, and Mr Rives, to France, embark on board the United States frigate Constellation at New York.

1829 Aug. 29, Capture of *Adrianople* by a Russian force consisting of 28,000 men, commanded in person by general Diebitsch.

1829 Aug. 24, General Vismout appointed governor of Buenos Ayres.

1829 Aug. 27, treaty of Commerce and Navigation concluded at Washington between the United States and Austria.

1829 Sep. 12, Surrender of the Spanish army under general Barradas at Tampico, Mexico, to the Mexican army under general Santa Anna.

1829 Sep. 14, treaty of peace between Russia and Turkey, signed at Adrianople; ratified on the 20th, by the Porte.

1829 Sep. 22, peace between Colombia and Peru.

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1829 Sep. 26, Venezuela separated from the Republic of Colombia.

1829 Oct. 7, Proclamation of the king of the Sandwich islands, respecting the treatment of foreigners within his territories.

1829 Nov. 16, Conception declared independent of Chili.

1829 Dec. 21, Convention of commerce and navigation, between Great Britain and Austria, concluded at London.

1830 March 28, treaty of Indemnification, between the U. States and Denmark, concluded at Copenhagen. Denmark agrees to pay $650,000 on account of citizens of the U. S.

1830 April 4, Yucatan declares itself independent.

1830 April 13, the navigation of the Black Sea opened to American vessels.

1830 May 7, treaty of Commerce and Navigation between the United States and the Ottoman Porte, concluded at Constantinople.

1830 May 13, Gen. Flores issues a proclamation at Quito, declaring the south part of Colombia an independent government.

1830 June 18, a treaty of peace ratified at Monte Video by the Gov: Gen. Lavalleja and Gen. Rivera, by which the latter acknowledged the existing government.

1830 July 5, Algiers taken by the French.

1830 July 15, The funeral ceremonies of George IV. of England.

1830 July 27, Revolution in France; Charles X. dethroned, and Louis Philippe Duke of Orleans declared King, August 9.

1830 Aug. 9, a treaty of peace concluded between France and Tunis, by which the commerce of the latter is opened to all nations. A similar treaty was concl. with Tripoli, Aug. 11.

1830 Aug. 25, Revolution in Belgium commenced at Brussels; independence delared Oct. 4.

1830 Sep. 30, Independence of the South American Republics acknowledged by France.

1830 Oct. 4, President's Proclamation declaring the ports of the United States open to British vessels from the West Indies.

1830 Oct. 8, Insurrection in Brunswick; grand Duke abdicates.

1830 Oct. 16, Change in the British ministry, the Wellington cabinet resigns.

1830 Nov. 29, Revolution in Poland commences at Warsaw.

1830 Dec. 24, the emperor Nicholas issues a proclamation, in which he declares his intention of maintaining entire the rights of his throne, and pronounces those who have assumed the government of Poland to be traitors.

1830 Dec. 27, Independence of Belgium acknowledged.

1831 Jan. 10, the King of the Netherlands selected as the umpire between the United States and Great Britain, under the Convention of Sept. 29, 1827, makes his award.

1831 Jan. 24, The Polish diet declare the absolute independence of Poland.

1831 March 18, first Congress of Venezuela meets at Valentia, of 15 senators & 23 repre's.

1831 April 5, a commercial treaty between the United States and Mexico ratified by the Mexican Government.

1831 April 6, Revolution in Brazil, the Emperor Don Pedro abdicates in favour of his son.

1831 June 4, Prince Leopold of Saxe Coburg elected King by the Belgian Congress.

1831 July 4, convention between the United States and France, concluded at Paris, for the settlement of claims of American citizens on the French Government.

1831 Sept. 8, Coronation of William IV. of England.

1831 Sept. 13, treaty between the United States and Turkey, signed at Constantinople.

1831 Nov. 17, New Grenada erected into an independent state by the Bogota convention.

1832 Jan. 27, Convention of indemnities negotiated with France, ratified by senate of U. States.

1832 March 9, Gen. Santander elected president of New Grenada.

1832 March, Emperor of Russia issues a decree by which Poland is united to Russia.

1832 July 12, treaty of commerce between Peru and the state of Equator.

1832 July 21, the Sultan of Turkey signs a protocol by which he gives his assent to the extension of the Greek frontier, as required by the London conference.

1832 July 26, Died, at Schoenbrunn, near Vienna, Austria, Duke de Reichstadt, son of Napol'n

1832 Oct. 14, treaty between the United States and the king of the Two Sicilies. 2,115,000 Neapolitan ducats, to be paid the U. States for commercial depredations. Ratifications exchanged at Naples, June 8, 1833.

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Ministers of the United States Abroad.

[*** Copied from the United States' Official Biennial Register, for 1834. The abbreviation, after the name of the Officer, stands for the State "where born."]

United Kingdom of G. Britain and Ireland.

Aaron Vail, Charge d'Affaires, London

France.

Edward Livingston, N. Y. Envoy Extraordinary and Minister Plenipotentiary, Paris

Th: P. Barton, Penn. Sec'y of Legation, Paris

Russia.

John Randolph Clay, Penn. Secretary of Legation, and acting Charge d'Affaires, at St. Petersburg

Spain.

Cornelius P. Van Ness, N. Y. Envoy Extraordinary and Minister Plenipot'y, Madrid

Authur Middleton, Jr. S. Carolina, Secretary of Legation, Madrid

Portugal.

Thomas L. L. Brent, Virginia, Charge d'Affaires, Lisbon

Netherlands.

Auguste Davezac, Louisiana, Charge d'Affaires, The Hague

Belgium.

Hugh S. Legare, South Carolina, Charge d'Affaires, Brussels.

Sweden.

Christopher Hughes, Maryland, Charge d'Affaires, Stockholm

Denmark.

Henry Wheaton, Rhode Island, Charge d'Affaires, Copenhagen

United Mexican States.

Anthony Butler, Charge d'Affaires, Mexico

Republic of Colombia.

Rob. B. McAfee, Charge d'Affaires, Bogota

Brazil.

E. A. Brown, Charge d'Affaires, Rio de Jan.

Republic of Central America.

C. G. DeWitt, Charge d'Affaires, Guatemala

Chili.

John Hamm, Charge d'Affaires, St. Jago de Chili

Republic of Peru.

Sam. Larned, R. I. Charge d'Affaires, Lima

Turkey.

David Porter, Maryland, Charge d'Affaires Constantinople.

Drogoman. do.

Consuls of the United States Abroad.

Barbary Powers.

Algiers.

George F. Brown, Vir. comm. agent, Algiers

Tunis.

Samuel D. Heap, Penn. Consul, Tunis

Tripoli.

D. S. McCauley, Penn. Consul, Tripoli

Morocco.

James R. Leib, Penn. Consul, Tangier.

United Kingdom of Great Britain and Ireland, and its Dependencies

Thomas Aspinwall, Mass. consul and agent, &c. at London

Francis B. Ogden, N. J. consul, Liverpool

Patrick Macaulay, consul, Bristol

Robert W. Fox, Eng. consul, Falmouth

Thomas Were Fox, Eng. Consul, Plymouth

Albert Davy, Pa. consul, Kingston upon Hull

Robert R. Hunter, N. Y. consul, Cowes

Alexander Thomson, consul, Glasgow

Thomas Wilson, consul, Dublin

Reuben Harvey, consul, Cork

Thomas W. Gilpin, Del. consul, Belfast

Horatio Sprague, consul, Gibraltar

Paul Froberville, consul, Isle of France

Thomas Wynns, N. C. consul, Turks' Isl'd

Wm. T. Tucker, comm. agent, Bermuda

George Huyler, comm. agent Nassau, N. P.

R. Higinbotham, of Maryland, commercial agent, at Antigua and St. Christopher

R. M. Harrison, Vir. consul, Kingston Jam.

C. L. Bartlett, commercial agent, Trinidad

John Haly, commercial agent, Barbadoes

Paul Eynaud, consul, Malta

Wm. Carroll, commercial agent, St Helena

Moses Benjamin, consul, British Guyana

Thomas M. Perrse, consul, Galway

John Morrow, consul, Halifax, N. S.

Robert Grieve, consul, Leith, Scotland

W. M. Haxton, consul, Bathurst Island

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France, and its Dependencies.

Daniel Brent, Vir. consul and agent, Paris
George Strobel, S. C. consul, Bordeaux
Daniel C. Croxall, N. J. consul, Marseilles
F. C. Fenwick, consul, Nantes
R. G. Beasley, Virginia, Havre de Grace
Samuel Allison, N. J. consul, Lyons
Theodore Privat, consul, Cette
Jas. Jos Debesse, consul, La Rochelle
P. Suau, consul, comm. agent, Gaudaloupe

Switzerland.

J. G. Boker, consul general, Switzerland

Russia.

A. P. Gibson, N. Y. consul, St. Petersburg
John Ralli, consul, Odessa
Henry Schielen, consul, Taganrog
Edmund Brandt, consul, Archangel

Spain, and its Dependencies.

Alexander Burton, Penn. consul, Cadiz
William Sterling, consul, Barcelona
George G. Barrel, Mass. consul, Malaga
George B. Adams, Penn. consul, Alicante
Maximode Aguirre, consul, Bilboa
A. H. P. Edwards, consul, Manilla
Payton Gay, consul, Teneriffe
George T. Ladico, consul, Balearic Islands
Nicholas P. Trist, Vir. consul, Havana
Rob. R. Stewart, Penn. consul, Trinidad, Cuba
J. Leonard, commercial agent, St. Jago, do
Fra's Thomassin, comm. agent, Baracoa, do
L. Shoemaker, Penn. consul, Matanzas, do
John Owen, consul, Puerto del Principe
Hopeful Toler, consul, Ponce, P. Rico
W. H. Tracy, Conn. comm. agent, Guayama
S. C. Russel, comm. agent, Mayaguez, do
Sydney Mason, N. Y. consul, St. Johns, do

Portugal, and its Dependencies.

I. P. Hutchinson, Penn. consul, Lisbon
John H. March, N. Hamp. consul, Madeira
Charles W. Dabney, Mass. consul, Fayal
Wm. G. Merrill, N. Y. consul, Cape Verd
J. Balestier, con. Rhio Island, Bintaug, Mal. Sea

The Netherlands, and its Dependencies

J. W. Parker, Vir. consul, Amsterdam
John Wambersie, Geo. consul, Rotterdam
W. D. Patterson, N. York, consul, Antwerp
Thomas Trask, consul, Surinam
L. Paimboef, consul, Isle of Curacoa
John Schillaber, Mass. consul, Batavia
Louis Mark, N. Y. consul, Ostend
J. Hollingsworth, Penn. consul, St. Eustacia

Austria.

Charles Barnet, N. J. consul, Venice
George Moore, G. Britain, consul, Trieste
J. G. Schwarz, consul, Vienna

Germany.

Fred'k Kahl, consul, Darmstadt
Frederic List, consul, Duchy of Baden
Robt. de Ruedorffer, consul, Munich

Sweden, and its Dependencies.

David Erskine, G. B. consul, Stockholm
C. A. Murray, do. consul, Gottenburg
Helmich Janson, do. Bergen, Norway

Denmark, and its Dependencies

C. J. Hambro, consul, Copenhagen
Nathan Levy, Md. consul, St. Thomas
Jos. Ridgeway, do. St. Croix
Thomas H. Barker, N. Y. consul, Elsineur

Prussia.

W. T. Simons, Prussia, consul, Elbervelt
Frederick Schillow, consul, Stettin

Saxony.

C. F. Goehring, consul, Leipzig

Hanseatic Towns.

John Cuthbert, consul, Hamburg
Joshua Dodge, consul, Bremen
Ernest Schwendler, consul, Frankfort

Italian States.

Thomas Appleton, Mass. consul, Leghorn
James Ombrosi, Florence, consul, Florence
Robert Campbell, G. Britain, consul, Genoa
Victor A. Sasserno, Nice, consul, Nice

Roman States.

Felix Cicognani, Italy, consul, Rome

Kingdom of the Two Sicilies.

Alexander Hammet, Md. consul, Naples
Benjamin Gardner, Mass. consul, Palermo
John L. Payson, do. consul, Messina

Turkey.

David Offley, Penn. consul, Smyrna

United Mexican States.

J. S. Wilcocks, Penn. consul, Mexico
G. R. Robertson, N Y consul, Tampico
Thomas Reily, Penn. consul, Aguatulco
Harvey Gregg, Indiana, consul, Acapulco
James James, consul, Vera Cruz & Alverado
Daniel W. Smith, Conn. consul, Matamoros
J. S. Langham, consul, Chihuahua
James Davis, consul, Santa Fe
J. W. McGoffin, Ken'y, consul, Saltillo
Henry Perrine, N. J. consul, Campeche
J. L. Kennedy, Sept'd, consul, Guaymas &c.

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David G. Burnet, consul, Galvezton
C. W. Davis, consul, Petic and Guayamas
Daniel N. Pope, consul, Tabasco
J.W. Langdon, con. Laguna, Island del Carmen
A. J. Raines, con. Monterey, N. California, Texas
Thos. Wooldridge, consul, Brazoria, do

Republic of Colombia.

J. M. Macpherson, Pa. consul, Carthagena
J. G. A. Williamson, N C consul, La Guayra
Alexander Danouille, consul, Santa Martha
F. Litchfield, Conn. consul, Porto Cabello
J. B. Ferand, consul, Panama
Thomas F. Knox, Vir. consul, Angostura

Brazil.

J. M. Baker, Minorca, consul, R. de Janeiro
Woodbridge Odlin, Pa. consul, San Salvador
J. T. Mansfield, Mass. consul, Pernambuco
Abraham R. Smith, N. Y. consul, Para
Joshua Bond, Md. consul, Montevideo
Cha. B. Allen, Mass. consul, I. of Maranham
Isaac Austin Hayes, consul, Rio Grande
George Black, N.Y. consul, Santos
Lemuel Well, do. consul, I. of St. Catherine

Republic of Central America.

Charles Savage, consul, Guatemala
G. Coursalt, consul, Truxillo

Republic of Buenos Ayres.

G. W. Slacum, Va. consul, Buenos Ayres

Chili.

Thomas S. Russel, consul, Valparaiso
Daniel Wynne, N.Y. consul, St. Jago de Chili

Republic of Peru.

Wm. F. Taylor, N.Y. consul, Quilca Arica and Arequipa
Asa Worthington, do. consul, Lima

Hayti, (St. Domingo.)

F. M. Dimond, Rhode Island, commercial agent, Port au Prince
Wm. Miles, commercial agent, Aux Cayes
Samuel Israel, Pa. comm. agt. Cape Haytien

Sandwich Islands.

J. C. Jones, Jr. Mass. comm. agt. S. Islands

China.

J. H. Grosvenor, consul, Canton

Consular Agents, recently appointed.

W. B. Llewellen, Salonica
Dalmas Devenant, Stancho
Emanuel Samarissa, Tenedos
John Gliddon, Alexandria
Jasper Chasseaud, Damascus, Beiront, Balbec, Said, and the towns within their limits
David Darmon, Jerusalem, and the city and port of Jaffa.
D. Bonnal, Canea
Nicholas Luca Perick, Bronsa
Dr. Marina Lazzaro, Dardanelles

COMMISSIONERS under the Convention with France, concluded July 4th, 1831.

George W. Campbell, of Tennessee.
John K. Kane, of Pennsylvania.
Romulus M. Saunders, of North Carolina.
John E. Frost, of the Dist. Col'bia, Secretary.
John H. Wheeler, of North Carolina, Clerk.

COMMISSIONERS under the Treaty with the King of the Two Sicilies, concluded October 14th, 1832.

Wyllys Silliman, of Ohio.
John R. Livingston, Jr. of New York.
Joseph C. Cabot, of Massachusetts.
Thomas Swann, Jr. of Dist. of Col'a, Secretary.
John W. Overton, ditto Clerk.

Ministers, &c. of Foreign Powers
NEAR THE U. STATES.

France.

M. Serurier, envoy extraordinary and minister plenipotentiary.
M. A. Pageot, first secretary of legation.

Great Britain.

Sir Charles R. Vaughan, envoy extraordinary and minister plenipotentiary.
Charles Bankhead, Esquire, charge d'affaires.
Andrew Buchanan, Esquire, 1st attache.
William Pitt Adams, Esquire, 2d attache.

Russia.

Baron de Krudener, envoy extraordinary and minister plenipotentiary.
M. Kremer, secretary of legation.
M. Smirnove, attache.

Spain.

Don Francisco Tacon, envoy extraordinary and minister plenipotentiary.
Don Miguel Tacon, attache.

Portugal.

Commandeur Torlade d'Azambuja, charge d'affaires.

Denmark.

W. Steen Bille, charge d'affaires.

Sweden & Norway.

Chevalier Ankarloo, charge d'affaires.

Netherlands.

Adr. Martini, charge d'affaires.

Belgium.

Baron Behr, minister resident.

Mexico.

J. M. de Castillo y Lanzas, charge d'affaires.

Colombia.

Don Domingo Acosta, charge d'affaires and consul general.

Brazil.

Manual G. Dos Reis, charge d'affaires, *ad interim*, and consul general.

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PRESIDENTS, SECRETARIES OF STATE, AND DIPLOMATIC AGENTS, *since the Federal Constitution went into Operation*, in 1789.

Presidents.

Geo. Washington, of Va. from 1789 to 1797.
John Adams, of Mass. from 1797 to 1801.
Thos. Jefferson, of Va. from 1801 to 1809.
James Madison, of Va. from 1809 to 1817.
James Monroe, of Va. from 1817 to 1825.
John Q. Adams, of Mass. from 1825 to 1829.
Andrew Jackson, of Tenn. from 1829.

Secretaries of State.

Thomas Jefferson, of Va. 26 Sept. 1789.
Edmund Randolph, of Va. 2 Jan. 1794.
Timothy Pickering, of Penn. 10 Dec. 1795.
John Marshall, of Va. 13 May, 1800
James Madison, of Va. 5 March, 1801.
Robert Smith, of Md. 6 March, 1809.
James Monroe, of Va. 26 Nov. 1811.
James Monroe, recom. 28 Feb. 1815.
John Quincy Adams of Mass., March 5, 1817
Henry Clay, of Ky. 7 March, 1825.
Martin Van Buren, of N. Y. 6 March, 1829
Edw. Livingston, of La. 24 May, 1831.
Louis McLane of Del. 1st July, 1833.

To Great Britain.

Gouverneur Morris, of New Jersey, commissioner, 13th October, 1789.
Thos. Pinckney, of South Carolina, Minister Plenipotentiary, 2 January, 1792
John Jay, of New-York, Envoy Extraordinary, 19th of April, 1794.
Rufus King, of New-York, Minister Plenipotentiary, 21st May, 1796.
James Monroe, of Virginia, Minister Plenipotentiary, 18th April, 1803.
James Monroe and Wm. Pinkney jointly and severally, Minister Plenipotentiary and Envoy, 12 May, 1796.
Wm. Pinkney, of Maryland, Minister Plenipotentiary, 12 May, 1806; renewed 26 February, 1808.
John Q. Adams, of Mass. Envoy Extraordinary and Minister Plenipotentiary, 28 February, 1815
R. Rush, of Pennsylvania, Envoy Extraordinary and Minister Plenipotentiary, 16 December, 1817
Rufus King, of New York, Envoy Extraordinary and Minis'r Plenipotent'y, 5 May 1825
Albert Gallatin, Pa. Envoy Extraordinary and Minister Plenipotentiary, 10 May, 1826.
James Barbour, Envoy Extraordinary and Minister Plenipotentiary, 23d May, 1828
Louis M'Lane, Delaware, En'y Extraordinary and Minis'r Plenipotent'y 18 Apr. 1829
Martin Van Buren, N. Y. Envoy Extraordinary and Minis'r Plenipoten'y, 1 Aug. 1831

To France.

Wm. Short, Va. Charge d'Affaires, April 6th, 1790
Gouverneur Morris, New-Jersey, Minister Plenipotentiary, 12th January, 1792
James Monroe, Virginia, Minister Plenipotentiary, 28th of May, 1794
Charles Cotesworth Pinckney, S. C. Minister Plenipotentiary, 9th September, 1796
Charles C. Pinckney, Eldridge Gerry, and John Marshall, jointly and severally, Envoy Extraordinary and Minister Plenipotentiary, 5th June, 1797
Oliver Ellsworth, Patrick Henry, and Wm. Vans Murray, Envoy Extraordinary and Minister Plenipotentiary, 26th Feb. 1799
Wm. Richardson Davie, of N. Carolina in place of Patrick Henry, 10 Decem. 1799
James A. Bayard, Delaware, Minister Plenipotentiary, 19th February, 1801
Robert R. Livingston, New-York, Minister Plenipotentiary, 2d of October, 1801
John Armstrong, New York, Minister Plenipotentiary, 30th June, 1804
Joel Barlow, Connecticut, Minister Plenipotentiary, 27th February, 1811
Wm. H. Crawford, Georgia, Minister Plenipotentiary, 9th April, 1813
Albert Gallatin, Pennsylvania, Envoy Extraordinary and Minister Plenipotentiary, 28 February, 1815
James Brown, Louisiana, Envoy Extraordinary and Minister Plenipotentiary, 9 December, 1823
Wm. C. Rives, Virginia, Envoy Extraordinary and Minis'r Plenipotent'y, 1 June, 1829
William C. Rives, with special powers to negotiate concerning Claims, and Commerce generally, 18th March, 1831

To Spain.

William Carmichael, Md. Charge d'Affaires, 11th of April, 1790
Wm. Carmichael and Wm. Short, Commissioners, 18th March, 1792
William Short, Virginia, Minister Resident, 28th of May, 1794
Thomas Pinckney, South Carolina, Envoy Extraordinary, 24th November, 1794
David Humphreys, of Connecticut, Minister Plenipotentiary, 28th May, 1796
Charles Pinckney, South Carolina, Minister Plenipotentiary, 6th of June, 1801
James Monroe, Virginia, Minister Extraordinary and Plenipotentiary, 14th Oct. 1804
James Bowdoin, of Massachusetts, Minister Plenipotentiary, 22d of November, 1804
George W. Irving, Massachusetts, Minister Plenipotentiary, 10th August, 1814
John Forsyth, Georgia, Minister Plenipotentiary, 16th February, 1819
Hugh Nelson, Virginia, Envoy Extraordinary and Minister Plenipotentiary, 15th of January, 1823
Alex'r H. Everett, Mass. Envoy Extraordinary and Minis'r Plenipoten'y, 9 Mar. 1825
Charles S. Walsh, Secretary of Legation, 17 June, 1828
Cornelius P. Van Ness, Ver. Envoy Extraordinary and Minister Plenipotentiary, 1st of June, 1829

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To the Netherlands.

Wm. Short, Virginia, Minister Resident, 16 of January, 1792
John Quincy Adams, Massachusetts, Minister Resident, 30th of May, 1794
Wm. Vans Murray, of Maryland, Minister Resident, 2d of March, 1797
Wm. Eustis, Massachusetts, Envoy Extraordinary and Minister Plenipotent'y, 10th of December, 1814
Alexander H. Everett, Mass., Charge d'Affaires, 30th November, 1818
Christopher Hughes, of Maryland, Charge d'Affaires, 9th March, 1825
William Pitt Preble, Maine, Envoy Extraordinary and Min'r Plenipo'y, 1 June, 1829
Auguste Davezac, Louisiana, Charge d'Affaires, 15th of October, 1831

To Portugal.

David Humphreys, of Connecticut, Minister Resident, 21st February, 1791
John Quincy Adams, Massachusetts, Minister Plenipotentiary, 30th of May, 1796
William Smith, of South Carolina, Minister Plenipotentiary, 10th of July, 1797
Thomas Sumpter, South Carolina, Minister Plenipotentiary, [in Brazil] 7th Mar. 1809
John Graham, Virginia, Minis'r Plenipotentiary, (in Brazil) 6th January, 1819
Henry Dearborn, Sen. N. Hamp. Envoy Extraordinary and Minister Plenipotentiary, 7th of May, 1822
Thomas L. L. Brent, Virginia, Charge d'Affaires, 9th March, 1825

To Prussia

John Quincy Adams, Massachusetts, Minister Plenipotentiary, 1st of June, 1797
Henry Clay, [Secret'y of State,] special commissioner, with full power to conclude a Treaty with Prussia, 18th of April, 1828

To Russia.

Rufus King, New-York, Minister Plenipotentiary, 7th of February, 1799
John Quincy Adams, Massachusetts, Minister Plenipotentiary, 27th June, 1809
James A. Bayard, Delaware, Envoy Extraordinary and Minister Plenipotentiary, 28 of February, 1815
William Pinkney, Maryland, Envoy Extraordinary and Minister Plenipotentiary, 26 of April, 1815
George W. Campbell, Tennessee, Envoy Extraordinary, and Minister Plenipotentiary, 6th of April, 1818
Henry Middleton, South Carolina, Envoy Extraordinary and Minister Plenipotentiary, 6th of April, 1820
John Randolph of Roanoke, Virginia, Envoy Extraordinary and Minister Plenipotent'y 26th of May, 1830
James Buchanan, Pennsylvania, Envoy Extraordinary and Minister Plenipotentiary 4th of January, 1832

To the Ottoman Porte.

Wm. Smith, South Carolina, Envoy Extraordinary and Minister Plenipotentiary 11th of February, 1799
David Porter, Charge d'Affa's, 15 Apr. 1831

To Sweden.

John Quincy Adams, Massachusetts, Commissoner, 14th of March, 1798
Jona'n Russel, Rhode Island, Min'ter Plenipotentiary, 18th of January, 1814
Christopher Hughes, jr. Maryland, Charge d'Affaires, 21st January, 1819
William C. Somerville, Maryland, Charge d'Affaires, 9th March, 1825
John Jas. Appleton, Massachusetts, Charge d'Affaires, 2d of May, 1826
Christ'r Hughes, Maryland, Charge d'Affaires, 3d of March, 1830

Negotiators of the Treaty of Ghent.

John Quincy Adams, Albert Gallatin, and James A. Bayard, Envoy Extraordin'y and Minister Plenipotentiary, 17th April 1813
Henry Clay and Jona'n Russel, were added to this Commission, 18th of January, 1814

To Denmark.

Henry Wheaton, New-York, Charge d'Affaires, 3d of March, 1827

To the Republic of Colombia.

Richard C. Anderson, of Virginia, Minister Plenipotentiary, 27th of January, 1823
Beaufort T. Watts, South Carolina, Charge d'Affaires, 3d of March, 1827
William H. Harrison, Envoy Extraordinary and Minister Plenipotentiary, 24th May, 1828
Thomas P. Moore, Kentucky, Envoy Extraordinary and Minister Plenipotentiary, 13 March, 1829

To the Republic of Buenos Ayres.

Cæsar A Rodney, Del. Minister Plenipotentiary, 27th of January, 1823
John M. Forbes, of Florida, Charge d'Affaires, 9th of March, 1825
Francis Bayliss, Massachu's, Charge d'Affaires, January, 1832

To the Government of Chili.

Heman Allen, Vermont, Minister Plenipotentiary, 27th January, 1823
Samuel Larned, Rhode Island, Charge d'Affaires, 9 h February, 1828
John Hamm, Ohio, Charge d'Affaires, 6th of May, 1830

Mexico.

Andrew Jackson, Tennessee, Envoy Extraordinary and Minister Plenipotentiary, 27th of January 1823
Ninian Edwards, Illinois, Envoy Extraordinary and Min'r Plenipotentiary 4 Mar. 1824.
Joel R. Poinsett, South Carolina, Envoy Extraordinary and Minister Plenipotent'y 6th of March, 1825
Anthony Butler, Charge d'Affaires, 12th October, 1829

Brazil.

Condy Raguet, Pennsylvania, Charge d'Affaires, 9th of March, 1825
Wm. Tudor, Charge d'Affa's, 27 Dec. 1827
Ethan A. Brown, Ohio, Charge d'Affaires 26th of May, 1830

Guatemala.

William Miller, of North Carolina, Charge d' Affaires, 7th of March, 1825
John Williams, Tennessee, Charge d'Aff's, 9th of December, 1825

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Guatemala (continued)

William B. Rochester, New-York, Charge d'Affaires, 3d of March, 1827

William N. Jeffers, of New-Jersey, Charge d'Affaires, 14th of June, 1831

Peru.

James Cooley, Ohio, Charge d'Affaires, 2d of May, 1826

Samuel Larned, Rhode Isl'd, Charge d'Affaires, 29th December, 1828

Emanuel J. West, of Ohio, Charge d'Affaires, 22 l of October, 1829

Assembly of American nations proposed to be held at Panama.

Samuel Larned, Rhode Island, Charge d'Affaires, 15th of May, 1830

Richard C. Anderson, of Virginia, and John Sergeant, Pennsylvania, Envoy Extraordinaries and Minister Plenipotentiaries, 14th of March, 1826

Assembly of Americans (continued)

Joel R. Pointsett, South Carolina, Envoy Extraordinary and Minister Plenipotentiary, 12th of February, 1827

Under the Umpirage of the King of the Netherlands.

Albert Gallatin and Wm. Pitt Preble, Agents in the Negotiation and upon the umpirage relating to the Northeastern boundary of the United States, 9th of March, 1828

Austria.

Henry Clay, (Secretary of State,) with special authority to negotiate a treaty of Commerce and Navigation, 24th of Oct. 1828

Martin Van Buren, (Secretary of State,) with special power to negotiate a treaty of commerce and navigation, 11th of Aug. 1829

The two Sicilies.

John Nelson, Maryland, Charge d'Affaires 24th of October, 1831

TABLE DU CHIFFRE.*

a	13	122	n	35	212	Angleterre	59	247
b	14	124	o	37	214	Monsieur	91	249
c	15	130	p	39	220	MM. les Etats	93	251
d	17	133	q	41	222	M. Van Goch	95	253
e	19	135	r	43	224	guerre	92	255
f	21	137	s	44	230	Espagne	94	257
g	22	139	t	47	232	et	97	259
h	25	141	u	50	234	il	99	271
i	27	143	w	51	240	nous	12	273
k	29	145	x	53	241	de Comminge	71	275
l	31	147	y	55	243	de	73	277
m	33	149	z	57	245			

Les chiffres 6, 8, 23, 45, 320 et 713 sont nuls.—On commencera par combiner *trois* chiffres.—Lorsque l'on rencontre le chiffre 424, on continue à lire en combinant *deux* chiffres.—Lorsque l'on rencontre 49, on recommencera par combiner *trois* chiffres et ansi de suite.

* Il n'est pas besoin de dire que le tableau ci-dessus ne présente qu'une des mille manières de chiffrer adoptées par les divers gouvernemens, mais l'on a cru à propos de mettre sous les yeux du lecteur, dans un cadre très-circonscrit, l'une de celles qui, plus ou moins étendues dans le nombre de mots qu'elles sont susceptibles de renfermer, sont en usage dans beaucoup de cabinets.

Dépêche chiffrée.

Monsieur,

320147122224135822062142122 3
013571322223461224242113274 7
311943387271759163503319853 3
762743194913.313524915313658
493202752596130135147814761 3
522282341438147424134319351 7
850196171939502744813506532 7
3544471335156194481719951315
2581950193584749133135220135
8224623023412281331358224251
277147122.86224133230214372
34332143214212826228231143 4
71. 2271322082241432301352774
24211327431983113926979944 3
9454519356351983547847375047
194431194433194.450431944234
450843151939271981763161 3.

J'ai l'honneur d'être, etc.

La même déchiffrée.

Monsieur,

La réponse qu'a faite le roi d'Angleterre au mémoire de M. de Comminges, et celle qu'il a rendue depuis aux instances de M. Van Goch, achèvent de persuader MM. les Etats de la résolution qu'il a prise de faire la guerre, et ils prennent toutes les mesures sur ce pied là.

J'ai l'honneur d'être, etc.

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In Congress, July 4, 1776.

THE UNANIMOUS

DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain, is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world. He has refused his assent to laws the most wholesome and necessary for the public good. He has forbidden his governers to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people.

He has refused for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise, the state remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states, for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance. He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:—For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:—For cutting off our trade with all parts of the world:—For imposing taxes on us without our consent:—For depriving us, in many cases, of the ben-

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efits of trial by jury:—For transporting us beyond seas to be tried for pretended offences:—For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:—For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:—For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us. He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain, is, and ought to be, totally dissolved; and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New Hampshire.
Josiah Bartlett,
William Whipple,
Matthew Thornton.

Massachusetts' Bay.
Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.

Rhode Island, &c.
Stephen Hopkins,
William Ellery.

Connecticut.
Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Wolcott.

New York.
William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

New Jersey.
Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

Pennsylvania.
Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,
James Smith,
George Taylor,
James Wilson,
George Ross.

Delaware.
Cesar Rodney,
George Read,
Thomas M'Kean.

Maryland.
Samuel Chase,
William Paca,
Thomas Stone,
Chas. Carroll, of Carrollton.

Virginia.
George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, Jr.
FrancisLightfootLee.
Carter Braxton.

North Carolina.
William Hooper,
Joseph Hewes,
John Penn.

South Carolina.
Edward Rutledge,
ThomasHeyward, jr.
Thomas Lynch, jr.
Arthur Middleton.

Georgia.
Button Gwinnett,
Lyman Hall,
George Walton.

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CONSTITUTION OF THE UNITED STATES OF AMERICA.

CONSTITUTION. We, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I. SECTION I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations, one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECTION III. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state, for which he shall be chosen.

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The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro-tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted, without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

SECTION IV. The times, place and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first *Monday* in *December*, unless they shall by law appoint a different day.

SECTION V. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy: and the yeas and nays of the members of either house, on any question, shall at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative, shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time: and no person holding any office under the United States, shall be a member of either house, during his continuance in office.

SECTION VII. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills. Every bill which shall have passed the House of Representatives

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and the Senate, shall, before it become a law, be presented to the President of the United States: if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII. The Congress shall have power To lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States;—To borrow money on the credit of the United States;—To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;—To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;—To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;—To provide for the punishment of counterfeiting the securities and current coin of the United States;—To establish post-offices and post-roads;—To promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right to their respective writings and discoveries;—To constitute tribunals inferior to the Supreme Court;—To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;—To declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water;—To raise and support armies—but no appropriation of money to that use shall be for a longer term than two years;—To provide and maintain a navy;—To make rules for the government and regulation of the land and naval forces;—To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;—To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress;—To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and to make all laws which shall be necessary and proper for

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carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States; or in any department or officer thereof.

SECTION IX. THE migration or importation of such persons as any of the States now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year *one thousand eight hundred* and *eight*, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus*, shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels, bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No moneys shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION X. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II. SECTION I. THE Executive power shall be vested in a PRESIDENT of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:—

Each state shall appoint, in such a manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and

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transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased or diminished, during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear, (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION II. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur: and he shall nominate, and by and with the advice and consent of the Senate, shall *appoint ambassadors, other public ministers and consuls*, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But

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the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; *he shall receive ambassadors and other public ministers;* he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III. SECTION I. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

SECTION II. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made under their authority; *to all cases affecting ambassadors, other public ministers, and consuls:* to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places, as the congress may by law have directed.

SECTION III. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

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ARTICLE IV. SECTION I. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.

SECTION III. New states may be admitted by the Congress into this union but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed, as to prejudice any claims of the United States, or of any particular state.

SECTION IV. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof; as the one or the other mode of ratification may be proposed by the Congress; Provided, that no amendment which may be made prior to the year *one thousand eight hundred and eight*, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI. All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

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ARTICLE VII. The ratification of the Conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the *seventeenth* day of *September*, in the year of our Lord, *one thousand seven hundred* and *eighty-seven*, and of the Independence of the United States of America, the *twelfth*.

IN WITNESS WHEREOF, we have hereunto subscribed our names.

G°. WASHINGTON,
President, and Deputy from Virginia.

New Hampshire.	JOHN LANGDON, NICHOLAS GILMAN.
Massachusetts.	NATHANIEL GORHAM, RUFUS KING.
Connecticut.	WILLIAM SAMUEL JOHNSON, ROGER SHERMAN.
New York.	ALEXANDER HAMILTON.
New Jersey.	WILLIAM LIVINGSTON, DAVID BREARLEY, WILLIAM PATTERSON, JONATHAN DAYTON.
Pennsylvania.	BENJAMIN FRANKLIN, THOMAS MIFFLIN, ROBERT MORRIS, GEORGE CLYMER, THOMAS FITZSIMMONS, JARED INGERSOLL, JAMES WILSON, GOUVERNEUR MORRIS.
Delaware.	GEORGE READ, GUNNING BEDFORD, junior, JOHN DICKINSON, RICHARD BASSET, JACOB BROOM.
Maryland.	JAMES M'HENRY, DANIEL OF ST. THOS. JENIFER, DANIEL CARROLL.
Virginia.	JOHN BLAIR, JAMES MADISON, junior.
North Carolina.	WILLIAM BLOUNT, RICHARD DOBBS SPAIGHT, HUGH WILLIAMSON.
South Carolina.	JOHN RUTLEDGE, CHS. COTESWORTH PINCKNEY, CHARLES PINCKNEY, PIERCE BUTLER.
Georgia.	WILLIAM FEW, ABRAHAM BALDWIN.

Attest: WILLIAM JACKSON, *Secretary.*

IN CONVENTION, SEPT. 17th, 1787. SIR: We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable. The friends of our country have long seen and desired, that the power of making war, peace and treaties, that of levying money and regulating commerce, and the

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correspondent executive and judicial authorities, shall be fully and effectually vested in the general government of the Union; but the impropriety of delegating such extensive trusts to one body of men is evident—hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these states to secure all rights of independent sovereignty, to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state is not, perhaps, to be expected; but each will doubtless consider, that had her interests alone been consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe: that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness is our most ardent wish.

By unanimous order of the Convention. G°. WASHINGTON,
His excellency the president of Congress. *President.*

AMENDMENTS. ART. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. 2. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ART. 3. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ART. 4. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be siezed.

ART. 5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

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ART. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ART. 7. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ART. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. 9. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. 10. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ART. 11. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ART. 12. The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate: the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose, immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President as in case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

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DIPLOMATIC CODE

OF

The United States of North America.

PART I.

EUROPEAN TREATIES.

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1778. February 6.

TREATIES WITH FRANCE.

Treaty of Amity and Commerce between the United States of America, and his Most Christian Majesty.

ORIGINAL.

Treaty of Amity and Commerce.

Rules relative to correspondence and commerce between the U. S. and France.

THE most christian king, and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, willing to fix in an equitable and permanent manner, the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish, between their respective countries, states, and subjects, his most christian majesty and the said United States, have judged that the said end could not be better obtained than by taking, for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually sources of debate, embarrassment and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility, and the just rules of free intercourse; reserving withal to each party the liberty of admitting, at its pleasure, other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfil these views, that his said majesty, having named and appointed for his plenipotentiary, Conrad Alexander Gerard, royal *syndic* of the city of Strasbourg, secretary of his majesty's council of state; and the United States, on their part, having fully empowered Benjamin Franklin, deputy from the state of Pennsylvania to the general congress, and president of the convention of said state; Silas Deane, late deputy from the state of Connecticut to the said congress, and Arthur Lee, counsellor at law; the said respective plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles:

Respecting interior regulations each party to be at liberty to admit other nations to a participation of benefits

Firm and inviolable peace, &c.

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the most christian king, his heirs, and successors, and the United States of America; and the subjects of the most christian king

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ORIGINAL.

Traité d'Amitié et de Commerce.

Le roi très chrétien, et les treize Etats Unis de l'Amérique Septentrionale, savoir, New Hampshire, la Baye de Massachuset, Rhode Island, Connecticut, New York, New Jersey, Pensylvanie, les comtés de Newcastle, de Kent et de Sussex sur la Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgie, voulant établir d'une manière équitable et permanente le régles qui devront être suivies relativement à la correspondence et au commerce que les deux parties désirent d'établir entre leurs païs, etats, et sujets respectifs, sa majesté très chrétienne et les dits Etats Unis ont jugé ne pouvoir mieux atteindre à ce but qu'en prenant pour base de leur arrangement l'égalité et la réciprocité la plus parfaite, et en observant d'éviter toutes les préférences onéreuses, source de discussions, d'embarrass, et de mecontentemens, de laisser à chaque partie la liberté de faire, relativement au commerce et à la navigation les réglemens intérieurs qui seront à sa convenance, de ne fonder les avantages du commerce que sur non utilité reciproque et sur les loix d'une juste concurrence, et de conserver ainsi de part et d'autre la liberté de faire participer, chacun selon son gré, les autres nations, aux mêmes advantages. C'est dans cet esprit et pour remplir ces vuës que sa dite majesté ayant nommé et constitué pour son plénipotentiaire le sieur Conrad Alexandre Gerard, sindic roïal de la ville de Strasbourg, secretaire du conseil d'état de sa majesté, et les Etats Unis aïant, de leur côté, munis de leurs pleins pouvoirs les sieurs Benjamin Franklin, député au congrès général de la part de l'état de Pensylvanie, et président de la convention du dite état, Silas Deane, ci-devant député de l'état de Connecticut, et Arthur Lee, *conseiller ès loix*, les dits plenipotentiaires respectifs aprés l'exchange de leurs pouvoirs et aprés mure délibération ont conclu et arrêté les points et articles suivans:

Art. 1. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincère entre le roi très chrétien, ses héritiers et successeurs, et entre les Etats Unis de l'Amérique ainsi qu'entre les sujets de sa majesté très chrétienne et ceux

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and of the said states; and between the countries, islands, cities, and towns, situate under the jurisdiction of the most christian king, and of the said United States and the people and inhabitants of every degree, without exception of persons or places; and the terms hereinafter mentioned shall be perpetual between the most christian king, his heirs, and successors, and the said United States.

Favors of commerce, &c. granted to other nations to be common to the U. S. and France, on the same conditions.

ART. 2. The most christian king and the United States engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor, freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

French subjects to enjoy in the ports of the U. S. in relation to duties and rights, the same benefits allowed to the most favored nations.

ART. 3. The subjects of the most christian king shall pay in the ports, havens, roads countries, islands, cities, or towns, of the United States, or any of them, no other or greater duties, or imposts, of what nature soever they may be, or by what name soever called, than those which the nation most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade navigation, and commerce, whether in passing from one port in the said states to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

U. S. citizens to enjoy in the ports in France in Europe, the benefits allowed to the most favored nations, relative to duties & rights of trade.

ART. 4. The subjects, people, and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities, and places under the domination of his most christian majesty, in Europe, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay, and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said dominions, in Europe to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

Exemption of 100 sols per ton, except in the French coasting trade.

ART. 5. In the above exemption is particularly comprised the imposition of one hundred sols per ton, established in France on foreign ships; unless when the ships of the United States shall load with the merchandise of France for another port of the same dominion, in which case the said ships shall pay the duty above mentioned so long as other nations, the most favored, shall be obliged to pay it. But it is understood

The U. S. at liberty to establish countervailing duties.

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des dits états, comme aussi entre les peuples, isles, villes et places situès sous la jurisdiction du roi très chrétien et des dits Etats Unis, et entre leurs peuples et habitants de toutes les classes, sans aucune exception de personnes et de lieux; les conditions mentionées au present traité seront perpetuelles et permanentes entre le roi très chrétien, ses héritiers et successeurs, et les dits Etats Unis. 1778. February 6.

Art. 2. Le roi très chrétien et les Etats Unis s'engagent mutuellement à n'accorder aucune faveur particulière à d'autres nations, en fait de commerce et de navigation, qui ne devienne aussitôt commune à l'autre partie, et celle-ce jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionelle.

Art. 3. Le sujets du roi très chrétien ne païeront dans les ports, havres, rades, contrées, isles, cites et lieux des Etats Unis, ou d'aucun d'entr'eux, d'autres ni plus grands droits ou impôts, de quelque nature qu'ils puissent être, et quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont, ou seront tenuës de païer; et ils jouiront de tous les droits, libertés, privileges, immunités et exemptions en fait de négoce, navigation et commerce, soit en passant d'un port des dits états à un autre; soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les dites nations jouissent ou jouiront.

Art. 4. Les sujets, peuples et habitans des dits Etats Unis et de chacun d'iceux, ne païeront dans les ports, havres, rades, isles, villes et places de la domination de sa majesté très chrétienne en Europe, d'autres ni plus grands droits ou impôts de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir que les nations les plus favorisées sont, ou seront tenuës depaïer, et ils jouiront de tous les droits, libertés, privileges, immunités et exemptions en fait de négoce, navigation et commerce soit en puissant d'un port à un autre des dits états du roi très chrétien en Europe, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les nations susdites jouissent ou jouiront.

Art. 5. Dans l'exemtion cidessus est nommément compris l'imposition de cent sous par tonneau établie en France sur les navires étrangers, si ce n'est lorsque les navires des Etats Unis chargeront des marchandises de France, dans un port de France; pour un autre port de la même domination auquel cas les dits navires des dits Etats Unis acquiteront le droit dont il s'agit aussi long tems que les autres nations les plus

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that the said United States, or any of them, are at liberty, when they shall judge it proper, to establish a duty equivalent in the same case.

Vessels &c. belonging to U. S. citizens to be protected in French ports, and by French ships of war, whilst in company.

ART. 6. The most christian king shall endeavor, by all the means in his power, to protect and defend all vessels and the effects belonging to the subjects, people, or inhabitants of the said United States, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities, or towns; and to recover and restore to the right owners, their agents or attorneys, all such vessels and effects, which shall be taken within his jurisdiction; and the ships of war of his most christian majesty, or any convoy sailing under his authority, shall, upon all occasions, take under their protection all vessels belonging to the subjects, people or inhabitants of the said United States, or any of them, and holding the same course, or going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force, and violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the most christian king.

French vessels &c. to be protected by the armed vessels of the U. States.

ART. 7. In like manner, the said United States, and their ships of war, sailing under their authority, shall protect and defend, conformable to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the most christian king, and use all their endeavors to recover, and cause to be restored, the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

The French king to employ his good offices with the Barbaro powers, in behalf of the United States.

ART. 8. The most christian king will employ his good offices and interposition with the king or emperor of Morocco or Fez, the regencies of Algier, Tunis, and Tripoli, or with any of them; and also with every other prince, state, or power, of the coast of Barbary, in Africa, and the subjects of the said king, emperor, states, and powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, conveniency, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insult, attacks, or depredations, on the part of the said princes, and states of Barbary, or their subjects.

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favorisées seront obligées de l'acquiter. Bien entendu qu'il sera libre aux dits Etats Unis, ou à aucun d'iceux d'établir, quand ils le jugeront àpropos, un droit equivalent à celui dont il est question pour le même cas pour lequel il est établi dans les ports de sa majesté très chrétienne. 1778. February 6.

Art. 6 Le roi très chrétien fera usage de tous les moïens qui sont en son pouvoir, pour protéger et defendre tous les vaisseaux et effets appartenants aux sujets, peuples et habitans des dits Etats Unis et de chacun d'iceux, qui seront dans ses ports, havres, ou rades, ou dans les mers près de ces pays, contrées, isles, villes et places, et fera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes, leurs agens ou mandataires, tous les vaisseaux et effets qui leur seront pris dans l'entenduë de sa jurisdiction: Et les vaisseaux de guerre de sa majesté très chrétienne ou les convois quelconques faisant voile sous son autorité, prendront, en toute occasion, sous leur protection tous les vaisseaux appartenants aux sujets, peuples et habitans des dits Etats Unis ou d'aucun d'iceux, les quels tiendront le même cours, et feront la même route, et ils defendront les dits vaisseaux aussi long-tems qu'ils tiendront le même cours et suivront la même route, contre toute attaque force ou violence de la même manière qu'il sont tenus de défendre et de protéger les vaisseaux appartenans aux sujets de sa majesté très chrétienne.

Art. 7. Pareillement les dits Etats Unis et leurs vaisseaux de guerre faisent voile sous leur autorité protégeront et défendront conformément au contenu ne l'article précédent, tous les vaisseaux et effets appartenants aux sujets du roi très chrétien et feront tous leurs efforts pour recouvrer et faire restituer les dits vaisseaux et effets qui auront été pris dans l'étenduë de la jurisdiction des dits Etats et de chacun d'iceux.

Art. 8. Le roi très chrétien emploïera ses bons offices et son entremise auprès des roi ou empereur de Maroc ou Fez, des régences d'Alger, Tunis et Tripoli, ou auprès aucune d'entr' elles ainsi qu'auprès de tout autre prince, état, ou puissance des côtes de Barbarie en Afrique, et des sujets des dits roi, empereur, états et puissance, et de chacun d'iceux à l'effect de pourvoir aussi pleinement et aussi efficacement qu'il sera possible à l'avantage commodité et sureté des dits Etats Unis et de chacun d'iceux, ainsi que de leurs sujets, peuples et habitans, leurs vaisseaux et effets contre toute violence, insulte, attaque, ou déprédations de la part des dits princes et états Barbaresques ou de leurs sujets.

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ART. 9. The subjects, inhabitants, merchants, commanders of ships, masters, and mariners, of the states, provinces, and dominions of each party respectively, shall abstain and forbear to fish in all places possessed, or which shall be possessed, by the other party; the most christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts, or places, which the said United States hold, or shall hereafter hold, and in like manner the subjects, people, and inhabitants of the said United States, shall not fish in the havens, bays, creeks roads, coasts, or places, which the most christian king possesses, or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel, with its lading, proof being made thereof, shall be confiscated; it is however understood that the exclusion stipulated in the present article, shall take place only so long, and so far as the most christian king, or the United States, shall not in this respect, have granted an exemption to some other nation.

Fishing reciprocally prohibited to each party, in places occupied for that object by the other, &c.

Prohibitions in relation to fishing, to be governed by indulgences granted to other nations.

ART. 10. The United States, their citizens and inhabitants, shall never disturb the subjects of the most christian king in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island which is designed by the treaty of Utrecht, nor in the rights relative to all and each of the isles which belong to his most christian majesty, the whole conformable to the true sense of the treaties of Utrecht and Paris. (1)

The rights of France to be respected by the U. States with regard to fishing on the banks of Newfoundland, &c. as established by the treaties of Utrecht and Paris.

(1) See end of treaty, page 56.

(2) ART. 11. The subjects and inhabitants of the said United States or any one of them, shall not be reputed aubins in France, and consequently shall be exempted from the *droit d'aubaine*, or other similar duty, under what name soever. They may by testament, donation, or otherwise dispose of their goods, moveable, and immoveable, in favor of such persons as to them shall seem good, and their heirs, subjects of the said United States, residing whether in France or elsewhere, may succeed them *ab intestat*, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities, or private persons; and the said heirs, whether such by particular title, or *ab intestat* shall be exempt from all duty called *droit de détraction*, or other duty of the same kind, saving, nevertheless, the local rights or duties as much, and as long as similar ones are not established by the United States, or any of them. The subjects of the most christian king shall enjoy on their part in all the dominions

(2) Vide the same.

United States' citizens to be exempt from the law of escheat, in case of dying aliens in France and French subjects to enjoy the same privilege in the United States.

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ART. 9. Les sujets, habitans, marchands, commandans des navires, maitres et gens de mer, des états, provinces et domaines des deux parties, s'absteindront et éviteront reciproquement de pêcher dans toutes les places possédées, ou qui seront possédées par l'autre partie. Les sujets de sa majesté très chrétienne ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que les dits Etats Unis, possédent ou posséderont à l'avenir; et de la même manière les sujets, peuples et habitans des dits Etats Unis, ne pêcheront pas dans les havres, bayes, criques, rades, côtes et places que sa majesté très chrétienne posséde actuellement ou possédera à l'avenir, et si quelque navire ou bâtiment étoit surpris pêchant en violation du present traité, le dit navire ou bâtiment et sa cargaison seront confisqués après que la preuve en aura été faite duëment. Bien entendu que l'exclusion stipulée dans le present article n'aura lieu qu'autant, et si long tems que le roi et les Etats Unis n'auront point accordé à cet égard d'exception à quelque nation que ce puisse être.

ART. 10. Les Etats Unis leur citoïens et habitans ne troubleront jamais les sujets du roi très chrétien dans la jouissance et exercise du droit de pêche sur les bancs de Terreneuve, non plus que dans la jouissance indéfinie et exclusive que leur apartient sur la partie des côtes de cette isle, designée dans le traité d'Utrecht, ni dans les droits relatifs à toutes et chacune des isles qui apartiennent à sa majesté très chrétienne; le tout conformement au véritable sens des traités d'Utrecht et de Paris.

ART. 11. Les sujets et habitans des dits Etats Unis ou de l'un d'eux ne seront point reputés aubains en France, et conséquemment seront exemts du droit d'aubaine ou autre droit semblable quelque nom qu'il puisse avoir; pourront disposer par testament, donation, ou autrement de leurs biens meubles et immeubles en faveur de telles personnes qui bon leur semblera; et leurs héritiers, sujets des dits Etats Unis, residans soit en France soit ailleurs, pourront leur succéder *ab intestat*, sans qu'ils aïent besoin d'obtenir des lettres de naturalité, et sans que l'effet de cette concession leur puisse être contesté ou empêché sous pretext de quelques droits ou prérogatives des provinces, villes ou personnes privées. Et seront les dits héritiers soit à titre particulier soit *ab intestat* exemts de tout droit de detaction ou autre droit de ce genre; sauf néanmoins les droits locaux tant, et si long tems, qu'il n'en sera point établi de pareils par les dits Etats Unis ou aucun d'iceux. Les sujets du roi très chrétien jouiront de leur côté, dans tout les

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of the said states, an entire and perfect reciprocity relative to the stipulations contained in the present article, but it is at the same time agreed that its contents shall not affect the laws made, or that may be made hereafter in France against emigrations, which shall remain in all their force and vigor, and the United States on their part, or any of them, shall be at liberty to enact such laws, relative to that matter, as to them shall seem proper.

Suspected ships may be compelled to exhibit their papers on entering the ports of an enemy to either party.

ART. 12. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage, and the species of goods on board her, there shall be just ground of suspicion, shall be obliged to exhibit as well upon the high seas, as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

Manner of proceeding in relation to vessels having contraband goods on board, &c.

ART. 13. If by the exhibiting of the aforesaid certificates, the other party discover there are any of those sorts of goods which are prohibited and declared contraband, and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ships, or to open any chest, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship belongs to the subjects of France, or the inhabitants of the said United States, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, in any manner, until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall, by a sentence pronounced, have confiscated the same: saving always as well as the ship itself as any other goods found therein, which by this treaty are to be esteemed free, neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated as lawful prize: but if not the whole cargo, but only part thereof shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them, in such case, the captor having received those goods, shall, forthwith, discharge the ship, and not hinder her by any means, freely to prosecute the voyage on which she was bound. But in case the contraband

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domains des dits états, d'une entierè et parfaite reciprocité relativement aux stipulations renfermées dans le présent article. Mais il est convenu en même tems, que son contenu ne portera aucune atteinte aux loix promulguées en France contre les émigrations, ou qui pourront être promulguées dans la suite, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté ou aucun d'entr'eux, seront libres de statuer sur cette matière telle loi qu'ils jugeront àpropos.

Art. 12. Les navires marchands des deux parties qui iront destiniés pour des ports appartenants à une puissance ennemie de l'autré, allé, et dont le voïage ou la nature des marchandises dont ils seront chargés donneroit de justes soupçons, seront tenus d'exhiber soit en haute mer, soit dans les port et havres, non seulement leurs passeports mais encore les certificats qui constateront expressément que leur chargement n'est pas de la qualite de ceux que sont prohibées comme contrebande.

Art. 13. Si l'exhibition des dits certificats conduit à decouvrir que le navire porte des marchandises prohibées et reputées contrebande, consignées pour un port ennemi, il ne sera pas permis de briser les écoutilles des dits navires, ni d'ouvrir aucune caisse, coffre, malle, ballot, tonneaux et autres caisses qui s'y trouveront, ou d'en deplacer et détourner la moindre parti des marchandises soit que le navire appertienne aux sujèts du roi très chrétien ou aux habitans des Etats Unis, jusqu'à ce que la cargaison ait été mise à terre en présence des officiers des cours d'amirauté, et que l'inventaire en ait été fait; mais on ne permettra pas de vendre, échanger ou aliéner les navires ou leur cargaison en manière quelconque, avant que le procés ait été fait et parfait légalement pour déclarer la contrebande, et que les cours d'amirauté aurent prononcé leur confiscation par jugement sans préjudice néanmoins des navires, ainsi que des merchandises qui en vertu du traité doivent être censées libres. Il ne sera pas permis de retenir ces marchandises sous prétexte qu'elles ont été entachées par les marchandises de contrebande et bein moins encore de les confisquer comme des prises légales. Dans le cas où une partie seulement et non la totalité du chargement consisteroit en marchandises de contrebande et que le commandant du vaisseau consente à les delivrer au corsaire qui les aura découvertes; alors le capitaine qui aura fait la prise, après avoir reçu ces marchandises doit incontinént relâcher le navire et ne doit l'empêcher en aucune manière de continuer son voyage. Mais

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merchandises cannot be all received on board the vessel of the captor, then the captor may notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port, agreeable to what is above directed.

Goods belonging to the citizens of either party, liable to confiscation, when on board of enemy vessels.

ART. 14. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party on any ship belonging to the enemies of the other, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration, so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited or otherwise, which as is aforesaid, where put on board any ship belonging to an enemy before the war or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandises be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Reciprocal guarantee from injuries from armed vessels of either party.

ART. 15. And that more effectual care may be taken for the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of his most christain majesty and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

Ships, &c. to be restored, when rescued from pirates.

ART. 16. All ships and merchandises of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

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dans le cas où les marchandises de contrebande ne pourroient pas être toutes chargées sur le vaisseau capteur, alors le capitaine du dit vaisseau sera le maître, malgré l'offre de remettre la contrebande, de conduire le patron dans le plus prochain port, conformément á ce qui est prescrit plus haut.

Art. 14. On est convenu au contraire, que tout ce qui se trouvera chargé par les sujets respectifs sur des navires appartenants aux ennemis de l'autre partie ou à leurs sujets, sera confisqué sans distinction des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartenoient à l'ennemi, à l'exception toute fois, des effets et marchandises qui auront été mis á bord des dits navires avant la déclaration, de guerre ou même après la dite déclaration, si au moment du chargement on a pu l'ignorer, de manière que les marchandises des sujets des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, les qu'elles comme il vient d'être dit auron été mises à bord d'un vaisseau appartenant à l'ennemi avant la guerre ou même après la dite déclaration, lorsqu'on l'ignoroit ne seront en aucune manière, sujets à confiscation, mais seront fidelement et de bonne foi renduës sans délai à leurs proprietaires, qui les réclameront; bien entendu néanmoins, qu'il ne soit pas permis de porter dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que le terme de deux mois passés depuis la déclaration de guerre, leurs sujets respectifs, de quelque partie du monde qu'ils viennent, ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

Art. 15. Et afin de pourvoir plus efficacement à la sûreté des sujets des deux parties contractantes, pour qu'il ne leur soit fait aucun prejudice par les vaisseaux de guerre de l'autre partie, ou par des armateurs particuliers, il sera fait défense à tous capitaines des vaisseaux de sa majesté très chrétienne et des dits Etats Unis, et à tous leurs sujets de faire aucun dommage ou insulte à ceux de l'autre partie, et au cas où ils y contreviendroient, ils en seront punis et de plus ils seront tenus et obligés en leurs personnes et en leurs biens de réparer tous les dommages et intérêts.

Art. 16. Tous vaisseaux et marchandises de quelque nature que ce puisse être, lorsqu'ils auront été enlevés des mains de quelques pirates en pleine mer, seront amenés dans quelque port de l'un des deux états, et seront remis á la garde des officiers du dit port afin d'être rendus, en entier, à leur véritable propriétaire aussitôt qu'il aura duëment et suffisament fait constater de sa propriéte.

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ART. 17. It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges, nor shall such prizes be arrested or seized when they come to, or enter the ports, of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show: on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people, or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used, that they go out and retire from thence as soon as possible.

Free entrance allowed into the ports of each, to prizes made by either party.

The cruisers of an enemy against one party, not allowed to remain in the ports of the other.

ART. 18. If any ship belonging to either of the parties, their people, or subjects, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance or relief shall be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence; and the return of every one to his own country.

Relief, &c. to be granted to the ship wrecked vessels of each party, by the other.

ART. 19. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates, or enemies, or any other urgent necessity for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returing out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Citizens of either party, forced in their shipping by necessity, to take refuge in the ports of the other, to be received with humanity, and treated with liberality.

ART. 20. For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, six months after the proclamation of war

Six months allowed after the declaration of war, for the re-

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Art. 17, Les vaisseaux de guerre de sa majesté très chrétienne et ceux des Etats Unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté, conduire où bon leur semblera les prises qu'ils auront faites sur leurs ennemis, sans être obligé à aucuns droits, soit des sieurs amiraux ou de l'amirauté ou d'aucuns autres, sans qu'aussi les dits vaisseaux ou les dites prises entrant dans les havres ou ports de sa majesté très chrétienne ou des dits Etats Unis puissent être arrêtés ou saisis, ni que les officiers des lieux puissent prendre connoisance de la validité des dites prises, les quelles pourront sortir et être conduites franchement et en toute liberté aux lieux portés par les commissions dont les capitaines des dits vaisseaux seront obligés de faire apparoir. Et au contraire, ne sera donné asile ni retraite dans leurs ports ou havres à ceux qui auront fait des prises sur les sujets de sa majesté ou des dits Etats Unis; et s'ils sont forcés d'y entrer par tempête ou peril de la mer, on les fera sortir le plustôt qu'il sera possible.

Art. 18. Dans le cas où un vaisseau apartenant à l'un des deux états ou à leurs sujets, aura échoué, fait naufrage ou souffert quelqu'autre dommage sur les côtes ou sous la domination de l'un des deux parties, il sera donné toute aide et assistance amiable aux personnes naufragées ou qui se trouvent en danger, et il leur sera accordé des sauf conduits pour assûrer leur passage et leur retour dans leur patrie.

Art. 19. Lorsque les sujets et habitans de l'une des deux parties avec leurs vaisseaux soit publics et de guerre, soit particuliers et marchands, seront forcés par une tempête, par la poursuite des pirates et des ennemis, ou par quelqu'autre necessité urgente, de chercher refuge et un abri, de se retirer et entrer dans quelqu' une des rivières, bayes, rades ou ports de l'une des deux parties, ils seront reçus et traités avec humanité, et jouiront de toute amiteé protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens de vivres, et de toutes choses nécessaires pour leur subsistance pour la reparation de leurs vaisseaux, et pour continuër leur veïage, le tout moïennant un prix raisonable, et il ne seront retenus en aucune manière, ni empêchés de sortir des dits ports ou rades, mais pourront se retirer et partir quand, et comme il leur plaira, sans aucun obstacle ni empêchement.

Art. 20. Afin de promouvir d'autant mieux le commerce de deux côtés, il est convenu que dans le cas où la guerre surviendroit entre les deux notions susdites, il sera accordé, six

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shall be allowed to the merchants in the cities and towns where they live, for selling and transporting their goods and merchandises; and if any thing be taken from them, or any injury be done them within that term, by either party, the people, or subjects of either, full satisfaction shall be made for the same.

Removal or sale of the property of the citizens of either party.

The citizens of each party prohibited from taking commissions from a third power to cruise against each other.

ART. 21. No subjects of the most christian king shall apply for, or take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war; nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for, or take any commission or letters of marque for arming any ship or ships, to act as privateers against the subjects of the most christian king, or any of them, or the property of any of them, from any prince or state with which the said king shall be at war; and if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

Privateers cruising under commissions from a third power at enmity with one of the parties, not to be allowed to fit their ships or sell their prizes in the ports of the U. S. or France.

ART. 22. It shall not be lawful for any foreign privateers, not belonging to subjects of the most christian king nor citizens of the said United States, who have commissions from any other prince or state in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ship, merchandises, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

Free trade allowed to one party with the enemy of the other, &c.

ART. 23. It shall be lawful for all and singular the subjects of the most christian king and the citizens, people and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with the most christian king, or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies

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mois après la déclaration de guerre, aux marchands dans les villes et cités qu'ils habitent, pour rassembler et transporter les marchandises; et s'il en est enlevé quelque chose ou s'il leur a été fait quelqu' injure durant le terme prescrit cidessus, par l'une des deux parties, leurs peuples ou sujets, il leur sera donné à cet égard pleine et entière satisfaction. 1778. February 6.

Art. 21. Aucun sujet du roi très chrétien ne prendra de commission ou de lettres de marque pour armer quelque vaisseau ou vaisseaux à l'effet d'agir comme corsaires contre les dits Etats Unis ou quelques uns d'entr'eux, ou contre les sujets, peuples ou habitans d'iceux, ou contre leur propriéte ou celle des habitans d'aucun d'entr'eux, de quelque prince que ce soit avec lequel les dits Etats Unis seront en guerre. De même aucun citoïen, sujet, ou habitant des susdits Etats Unis et de quelqu' un d'entr'eux, ne demandera ni n'acceptera aucune commission ou lettres de marque pour armer quelque vaisseaux, ou vaisseaux pour courre sus aux sujets de sa majesté très chrétienne, ou quelques uns d'entre eux, ou leur propriété, de quelque prince ou état que ce toit avec qui sa dite majesté se trouvera en guerre; et si quelqu'un de l'une ou de l'autre nation prenoit de pareilles commissions ou lettres de marque il sera puni comme pirate.

Art. 22. Il ne sera permis à aucun corsaire étranger non apartenant à quelque sujet de sa majesté très chrétienne ou à un citoïen des dits Etats Unis lequel aura une commission de la part d'un prince ou d'une puissance en guerre avec l'une des deux nations, d'armer leur vaisseaux dans les ports de l'une des deux parties ni d'y vendre les prises qu'il aura faites, ni décharger en autre manière quelconque les vaisseaux, marchandises ou aucune partie de leur cargaison; il ne sera même pas permis d'acheter d'autres vivres que ceux qui lui seront nécessaires pour se rendre dans le port le plus voisin du prince ou de l'état dont il tient sa commission.

Art. 23. Il sera permis à tous et un chacun des sujets du roi très chrétien et aux citoïens, peuple et habitans des susdits Etats Unis, de naviguer avec leurs bâtimens avec toute libertè et sureté, sans qu'il puisse être fait d'exception à cet égard, à raison des propriétaires des marchandises chargées sur les dits bâtimens, venant de quelque port que ce soit et destines pour quelque place d'une puissance actuellement ennemie, ou qui pourra l'être dans la suite de sa majesté très chrétienne ou des etats Unis. Il sera permis également aux sujets et habitans susmentionnés de naviguer avec leurs vaisseaux et marchandises et de fréquenter avec la même liberté

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of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any other part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Free ships to make freegoods contraband, always excepted.

Persons on board free ships soldiers excepted in the service of an enemy, to be protected.

Articles designated which are to be considered as contraband of war.

ART. 24. This liberty of navigation and commerce shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband, or prohibited goods, shall be comprehended arms, great guns, bombs with the fusees, and other things belonging to them, cannon ball, gunpowder, matches, pikes, swords, lances, spears, halberds, mortars, petards, granades, salt-petre, muskets, musket balls, bucklers, helmets, breast plates, coats of mail, and the like kind of arms, proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow, shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat and barley, and any other kind of corn and pulse; tobacco, and likewise all manner of spices; salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general all provisions which serve for the nourishment of mankind, and the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors, also ships' masts, planks, boards and beams of what trees soever; and all other things

Goods not contraband designated.

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et sureté les places, ports, et hâvres des puissances ennemies des deux parties contractantes ou d'une d'entre elles sans opposition ni trouble, et de faire le commerce non seulement directement des ports de l'ennemi susdit à un port neutre, mais aussi d'un port ennemi, à un autre port ennemi, soit qu'il se trouve sous sa jurisdiction ou sous celle de plusieurs; et il est stipulé par le présent traité que les batimens libres assureront également la liberté des merchandises, et qu'on jugera libres toutes les choses qui se trouveront abord des navires apartenants aux sujets d'une des parties contractantes, quand même le chargement ou partie d'ice lui apartiendroit aux ennemis de l'une des deux; bien entendu néanmoins que la contrband e sera toujours exceptée. Il est également convenu que cette même liberté s'étendroit aux personnes qui pourroient se trouver abord du batimen libre quand même elles seroient ennemies de l'une des deux parties contractantes, et elles ne pourront être enlevés des dits navires à moins qu'elles ne soient militaires et actuellement au service de l'ennemi.

Art. 24. Cette liberté de navigation et de commerce doit s'etendre sur toutes sortes de marchandises, à l'exception seulement de celles qui sont designés sous le nom de contrebande: sous ce nom de contrebande ou de marchandises prohibées doivent être compris les armes, canons, bombes avec leurs fusées et autres choses y relatives, boulets, poudre à tirer, méches, piques, épées, lances, dards, hallebardes, mortiers, petards, grenades, salpêtre, fusils, balles, boucliers, casques, cuirasses, cote de mailles, et autres armes de cette espèce, propres à armer les soldats, porte-mousqueton, baudriers, chevaux avec leurs équipages, et tous autres instrumens de guerre quelconques. Les marchandises dénommées ci-après ne seront pas comprises parmi la contrebande ou choses prohibées, savoir, toutes sortes de draps et toutes autres étoffes de laine, lin soye, coton ou d'autres matières quelconques; toutes sortes de vêtemens avec les étoffes dont on a coutume de les faire, l'or et l'argent monnoïe ou non, l'étain, le fer laiton, cuivre, airain, charbons, de même que le froment et l'orge, et toute autre sorte de bleds et legumes; le tabac et toutes les sortes d'épiceries, la viande salée et fumée, poisson salé fromage et beurre, bierre, huiles, vins, sucres, et toute, espèce, de sel, et en général toutes provisions servant pour la nourriture de l'homme et pour le soutien de la vie. De plus, toutes sortes de coton, de chanvre, lin goudron, poix, cordes, cables, voiles, toiles à voiles, ancres, parties d'ancres, mats, planches, madriers, et bois de toute espèce, et toutes autres

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proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use: all which shall be wholly reckoned among free goods; as likewise all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested.

Sea letters, or passports, to be furnished, in case either party be engaged in war, to the vessels of the other.

ART. 25. To the end that all manner of dissentions and quarrels may be avoided and prevented, on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally, must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed, that such ships being laden are to be provided not only with passports as abovementioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same: which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form, and if any one shall think it fit or adviseable to express in the said certificates, the person to whom the goods on board belong, he may freely do so.

Vessels of either party, on the coast or in port, not willing to enter or unload are to be treated according to general rules, to be prescribed.

ART. 26. The ships of the subjects and inhabitants of either of the parties, coming upon any coasts belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, they shall be treated according to the general rules prescribed or to be prescribed, relative to the object in question.

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choses propres à la construction et reparation des vaisseaux et autres matières quelconques qui ni'ont pas la forme d'un instrument préparé pour la guerre par terre comme par mer, ne seront pas reputées contrebande et encore moins celles qui sont déja preparées pour quelqu' autre usage: Toutes les choses dènommées cidessus doivent être comprises parmi les marchandises libres, de même que toute les autres marchandises et effets qui ne sont pas compris et particulièrement nommées dans l'enumération des marchandises de contrebande; de manière qu'elles pourront être transportées et conduites de la manière la plus libre par les sujets des deux parties contractantes dans des places ennemies,à l'exception néanmoins de celles qui ce trouveroient actuellement assiégées, bloquées ou investies. 1778. February 6.

Art. 25. Afin d'écarter et de prevenir de part et d'autre toute discussions et querelles il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les vaisseaux et bâtimens appartens aux sujets ou peuple de l'autre allié devront être porvus de lettres de mer ou passeports, lesquels experimeront le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maitre ou commandant du dit vaisseau, afin qu'il aparoisse par là pue le même vaisseau apartient réellement et véritablemeut aux sujets de l'une des deux parties contractantes; lequel passeport, devra, être expédié selon le modele annexé au present traité. Ces passeports devront également être renouvellés chaque année dans le cas ou le vaisseau retourne chez lui dans l'espace d'une année. Il a été convenu également que les vaisseanx susmentionnés dans le cas où ils seroint chargés devront être pourvos non seulement de passeports mais aussi de certificats, contenant le detail de la cargaison, le lieu d'où le vaisseau est parti, et la déclaration des marchandises de contrebande qui pourroient se trouver abord ; lesquels certificats devront être expédiés dans la forme accoutumée par les officiers du lieu d'où le vaisseau aura fait voile, et s'il étoit jugé utile ou prudent d'exprimer dans les dits passeports la perionne a laquelle les marchandises apartiennent, ou pourra le faire librement.

Art. 26. Dans le cas ou les vaisseaux des sujets et habitans ce l'une des deux parties contractantes aprocheroient des côtes de l'autre, sans ce pendant avoir le dessein d'entrer dans le port, ou après être entrés, sans avoir le dessein de décharger la cargaison, ou rompré leur charge, on se conduira à leur egard suivant les règlemens généraux prescrits ou a prescire relativement á l'objet dont il est question.

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Merchant ships of either party, met by armed vessels of the other, to be visited in boats, manned by two or three hands only, such armed vessel remaining beyond cannon shot distance.

ART 27. If the ships of the said subjects, people, or inhabitants of either of the parties shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateeers, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property the ship, of made out according to the form* inserted in this present treaty, and the ship when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

*This form relates to the ownership of the vessel, identity of the crew, obedience to the laws &c.

Before goods are laden to be examined, and if prohibited to be stopped on the spot.

ART. 28. It is also agreed, that all goods when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no farther visitation; but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on board; unless there are manifest tokens or proofs of fraudulent practice; nor shall either the persons or goods of the subjects of his most christian majesty or the United States, be put under any arrest or molested by any other kind of embargo for that cause; and only the subject of that state to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

Consuls allowed in the ports of each party.

ART. 29. The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents, and commissaries, whose functions shall be regulated by a particular agreement.

U. S. citizens to be allowed certain free ports, in Europe and in the French islands of America.

ART. 30. And the more to favor and facilitate the commerce which the subjects of the United States may have with France, the most christian king will grant them in Europe one or more free ports, where they may bring and dispose of all the produce and merchandise of the thirteen United States; and his majesty will also continue to the subjects of the said states, the free ports which have been and are open in the French islands of America, all of which free ports the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

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ART. 27. Lorsqu'un bâtiment apartenant aux dits sujets, peuple et habitans de l'une des deux parties, sera rencontré navigant le long des côtes ou en pleine mer, par un vaisseau de guerre de l'autre, ou par un armateur, le dit vaisseau de guerre, ou armateur, afin d'éviter tout désordre, se tiendra hors de la portée du canon, et pourra envoïer so chaloupe a-bord du bâtiment marchand, et y faire entrer deux ou trois hommes, aux quels le maître ou commandant du bâtimens montrera son passeport, lequel devra être conforme à la formule annexée ou present traité, et constatera la propriété du bâtiment, et après que le dit bâtiment, aura exhibé un pareil passeport, il lui sera libre de continuer son voïage et il ne sera pas permis de le molester, ni de chercher en aucune manière, de lui donner la chasse ou de le forcer de quitter la course qu'il s'étoit proposée.

ART. 28. Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou batimens de l'une des deux parties contractantes, elles ne pourront plus être assujeties à aucune visite; toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être arrêtées et saisies sur la plage avant de pouvoir être embarquées à moins qu'on n'ait des indices manifestes ou des preuves de versements frauduleux. De même aucun des sujets de sa majesté très chrétienne ou des Etats Unis, ni leurs marchandises, ne pourront être arretés ni molestés pour cette cause, par aucune espèce d'embargo; et les seuls sujets de l'état, auxquels les dites marchandises auront été prohibées, et qui se seront emancipés à vendre et aliener de pareilles marchandises, seront duëment punis pour cette contravention.

ART. 29. Les deux parties contractantes se sont accordées mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice consuls, agents et commissares, dont les fonctions seront réglées par une convention particulière.

ART. 30. Pour d'autant plus favoriser et faciliter le commerce que les sujets des Etat Unis feront avec la France, le roi très chrétien leur accordera en Europe un ou plusieurs ports francs, dans lesquels ils pourront amener et débiter toutes les denrées et marchandises provenant de treize Etats Unis; sa majesté conservera d'un autre côte aux sujets des dits états les ports francs qui ont été, et sont ouverts dans les isles Françoises de l'Amérique. De tous les quels ports francs les dits sujets des Etats Unis jouiront conformément aux réglemens qui en déterminent l'usage.

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ART. 31. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible.

Ratifications to be exchanged in six months.

In faith whereof, the respective plenipotentiaries have signed the above articles, both in the French and English languages, declaring nevertheless, that the present treaty was originally composed and concluded in the French language, and they have thereto affixed their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD, [L. S.]
B. FRANKLIN, [L. S.]
SILAS DEANE, [L. S.]
ARTHUR LEE. [L. S.]

(1) Extract from the 13th art. of the Treaty of Utrecht from p. 381, vol. I. of Chambers' Treaties;—"It shall be allowed to the subjects of France to catch fish, and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called cape Bonavista to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river St. Lawrence, and in the gulph of the same name, shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place or places there."

This treaty was concluded on the 11th day of April, (N. S.) 1713, and the rights which it secured to France in the fisheries in question, were continued to her, with some modifications, by the 5th article of the treaty of Paris, concluded on the 10th day of February, 1763.

(2) The two following articles were originally agreed to, but afterwards rescinded:

Article agreed to, and afterwards rescinded.

ART. 11. *It is agreed and concluded, that there shall never be any duty imposed on the exportation of the molasses that may be taken by the subjects of any of the United States, from the islands of America which belong, or may hereafter appertain to his most christian majesty.*

ART. 12. *In compensation of the exemption stipulated by the preceding article, it is agreed and concluded, that there shall never be any duties imposed on the exportation of any kind of merchandise which the subjects of his most christian majesty may take from the countries and possessions, present or future, of any of the thirteen United States, for the use of the islands which shall furnish molasses.*

ACT OF FRANCE RESCINDING THE FOREGOING ARTICLES.

Translation.

Act of France rescinding the original articles 11 and 12.

The general congress of the United States of North America, having represented to the king that the execution of the eleventh article of the treaty of amity and commerce, signed the sixth of February last, might be productive of inconveniences; and having thereby desired the suppression of this article, consenting in return that the twelfth article shall likewise be considered of no effect; his majesty in order to give a new proof of his af-

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ART. 31. Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées dans l'espace de six mois ou plutôt si faire se peut.

En foi de quoi les plenipotentiaries respectifs ont signé les articles ci-dessus tant en langue Françoise qu'en langue Angloise, déclarant neanmoins que le présent traité a été originairement redigé et arrêté en langue Françoise; et ils y ont apposé le cachet de leurs armes.

Fait à Paris le sixième jour du mois de Fevrier, mil sept-cent soixante dixhuit.

C. A. GERARD, [L. S.]
B. FRANKLIN, [L. S.]
SILAS DEANE, [L. S.]
ARTHUR LEE. [L. S.]

(1) See note on the opposite page (56.)

(2) The two following articles were originally agreed to, but afterwards rescinded:

ART. 11. *Il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation des melasses qui pourront être tirées par les sujets d'aucun des Etats Unis, des isles d'Amérique qui appartiennent ou pourront appartenir à sa majesté très chrétienne.*

ART. 12. *En compensation de l'exemtion stipulée par l'article précédent, il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation d'aucune espèce de denrées et marchandises que les sujets de sa majesté très chrétienne pourront tirer des pays ou possessions actuelles ou futures d'aucun des treize Etats Unis pour l'usage des isles que fournissent les melasses.*

ACT OF FRANCE RESCINDING THE FOREGOING ARTICLES.

Original.

Le congrès général des Etats Unis de l'Amérique Septentrionale ayant representé au roi que l'éxecution de l'article onze du traité d'amitié et de commerce, signé le six du mois de Fevrier dernier, pourroit entrainer des inconvenients après soi, et ayant desiré en conséquence que cet article demeurât supprimé, consentant en échange que l'article douze soit également regardé comme non avenu, sa majesté, pour donner aux

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fection, as also his desire to consolidate the union and good correspondence established between the two states, has been pleased to consider their representations: his majesty has consequently declared, and does declare by these presents, that he consents to the suppression of the eleventh and twelfth aforementioned articles, and that his intention is, that they be considered as having never been comprehended in the treaty signed the sixth of February last.

Done at Versailles the first day of the month of September, one thousand seven hundred and seventy-eight.

GRAVIER DE VERGENNES.

ACT OF THE U. STATES RESCINDING THE AFOREGOING ARTICLES.

Original.

DECLARATION.

Act of the U.S. rescinding the original articles 11 and 12.

The most christian king having been pleased to regard the representations made to him by the general congress of North America, relative to the eleventh article of the treaty of commerce, signed the sixth of February in the present year; and his majesty having therefore consented that the said article should be suppressed, on condition that the twelfth article of the same treaty be equally regarded as of none effect; the general congress hath declared, and do declare on their part, that they consent to the suppression of the eleventh and twelfth articles of the above mentioned treaty, and that their intention is, that these articles be regarded as having never been comprised in the treaty signed the sixth of February. In faith whereof, &c.

B. FRANKLIN.
ARTHUR LEE.
JOHN ADAMS.

NOTE. This treaty is no longer obligatory on the United States, being annulled, according to the following act, approved by President Adams, on the 6th of July, 1798.

"AN ACT to declare the treaties heretofore concluded with France no longer obligatory on the United States.

"Whereas the treaties concluded between the United States and France have been repeatedly violated on the part of the French government; and the just claims of the United States for reparation of injuries so committed have been refused; and their attempts to negotiate an amicable adjustment of all complaints, between the two nations, have been repelled with indignity; and whereas, under the authority of the French government, there is yet pursued against the United States a system of predatory violence infracting the said treaties, and hostile to the rights of a free and independent nation.

"Sect. 1. Be it enacted, &c. That the United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the government or citizens of the United States."

The other treaties, and the convention, referred to in the above act, will be duly noticed as they are inserted.

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Etats Unis de l'Amérique Septentrionale une nouvelle preuve de son affection, ainsi que de son désir de consolider l'union et la bonne correspondance établies entre les deux états, à bien voulu avoir égard à leurs représentations ; en conséquence sa majesté à déclaré et déclare par les présentes qu'elle consent à la suppression des articles onze et douze susmentionnes, et que été compris dans la traité signé le six Fevrier dernier.

Fait à Versailles, le premier jour du mois de Septembre, mil sept cent soixante et dix huit.

GRAVIER DE VERGENNES.

ACT OF THE U. STATES RESCINDING THE FOREGOING ARTICLES.

Translation.

DECLARATION.

Le roi très chrétien ayant bien voulu avoir égard aux représentations que lui a faites le congrès général de l'Amérique Septentrionale, relativement à l'article onze du traité de commerce, signé le six Fevrier de la presente année; et sa majesté ayant consenti en conséquence que le dit article demeurât supprimé à condition que l'article douze du même traité fût également régardé comme non avenu; le congrès général à déclaré et déclare de son côte qu'il consent à la suppression des articles onze et douze susmentionnes, et son intention est qu'ils soient regardé comme n'ayant jamais été compris dans le traité signé le six Fevrier dernier. En foi de quoi, &c.

B. FRANKLIN,
ARTHUR LEE,
JOHN ADAMS.

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No. 2.—*Treaty of Alliance between the United States of America and His Most Christian Majesty.*

ORIGINAL.

Treaty of Alliance.

Treaty of alliance concluded to cement mutual interests, and to guard against British hostility toward France.

The most christian king and the United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, having this day concluded a treaty of amity and commerce for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety and tranquillity of the two parties, particularly in case Great Britain in resentment of that connexion and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two crowns: and his majesty and the said United States, having resolved in that case to join their councils and efforts against the enterprises of their common enemy, the respective plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and determined on the following articles:

Councils and efforts to be united.

To make common cause; in case of war between France and G. Britain.

ART. 1. If war should break out between France and Great Britain during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

The independence of the U. States declared to be the essential object of this alliance.

ART. 2. The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence absolute and unlimited, of the said United States, as well in matters of government as of commerce.

Each party at liberty to pursue its own method of annoying the common enemy.

ART. 3. The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

Both parties, in any particular enterprise, to

ART. 4. The contracting parties agree, that in case either of them should form any particular enterprise in which the

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ORIGINAL.

Traité d'Alliance Eventuelle et Defensive.

Le roi très chrétien et les Etats Unis de l'Amérique Septentrionale, savoir, New-Hampshire, la Baye de Massachusset, Rhode Island, Connecticut, New York, New Jersey, Pensylvanie, Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgie; ayant conclu ce jourd'huy un traité d'amitié, de bonne intelligence et de commerce, pour l'avantage réciproque de leurs sujets et citoyens, ils ont cru devoir prendre en considération, les moyens de resserrer leurs liaisons, et de les rendre utiles à la sureté et à la tranquilité des deux parties, notament dans le cas où la Grande Bretagne, en haine de ces mêmes, liaisons et de la bonne correspondance qui forment l'objet du dit traité, se porteroit á rompre la paix avec la France, soit en l'attaquant hostilement, soit en troublant son commerce, et sa navigation, d'une manière contraire au droit des gens et à la paix subsistante entre les deux couronnes: et sa majesté et les dits Etats Unis ayant résolu éventuellement d'unir, dans le cas prévú, leurs conseils et leurs efforts contre les entreprises de leur ennemi commun, les plénipotentiares respectifs, chargés de concerter les clauses et conditions propres à remplir leurs intentions, ont, après la plus mure délibération, conclu et arrête les points et articles qui s'ensuivent.

Art. 1. Si la guerre éclate entre la France et la Grande Bretagne, pendant la durée de la guerre actuelle entre les Etats Unis et l'Angleterre, sa majesté et les dits Etats Unis feront cause commune et s'entr'aideront mutuellement de leurs bons offices, de leurs conseils et de leurs forces, selon l'exigence des conjonctures, ainsi qu'il convient à de bons et fidèles alliés.

Art. 2. Le but essentiel et direct de la présente alliance défensive, est de maintenir efficacement la liberté, la souveraineté, et l'independance absoluë et illimitée des dits Etats Unis, tant en matière politique que de commerce.

Art. 3. Les deux parties contractantes feront chacune de leur côte, et de la manière qu'elles jugeront plus convenable, tous les efforts, qui seront en leur pouvoir, contre leur ennemi commun, afin d'atteindre au but qu'elles se proposent.

Art. 4. Les parties contractantes sont convenuës que dans le cas ou l'une d'entre elles formeroit quelqu' entreprise par-

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concurrence of the other may be desired, the party whose concurrence is desired, shall readily and with good faith, join to act in concert for that purpose, as far as circumstances and its own particular situation will permit, and in that case, they shall regulate, by a particular convention the quantity and kind of succor to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

act in concert; the amount and kind of succour to be regulated by convention.

The British N. American possessions, or the Bermudas, if subdued, to be long to the U. States.

ART. 5. If the United States should think fit to attempt the reduction of the British powers, remaining in the northern ports of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with, or dependant upon the said United States.

All claim renounced by the French king to the Bermudas, and to the North American colonies, which previously, or by the treaty of 1763, were acknowledged to belong to the British crown.

ART. 6. The most christian king renounces forever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which, before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great Britain, or to the United States, heretofore called the British colonies, or which are at this time, or have lately been under the power of the king and crown of Great Britain.

British islands in, or near, the Mexican Gulf, if reduced, to appertain to the crown of France

ART. 7. If his most christian majesty shall think proper to attack any of the islands situated in the gulf of Mexico, or near that gulf, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the crown of France.

Peace not to be concluded without the consent of both parties; nor are either of the parties to lay down arms until the independence of the United States be achieved.

ART. 8. Neither of the two parties shall conclude either truce or peace with Great Britain, without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured, by the treaty or treaties that shall terminate the war.

No after claim whatever may be the result of the war.

ART. 9. The contracting parties declare, that being resolved to fulfil each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

Other powers may be invited to make common cause against England.

ART. 10. The most christian king and the United States agree to invite or admit other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to, and settled between all the parties.

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ticulière, pour laquelle elle desireroit le concours de l'autre ; celle-ci, se prêteroit de bonne foi à un concert sur cet objet, autant que les circonstances et sa propre situation pourront le lui permettre, et dans ce cas, on réglera, par une convention particulière la portée de secours à fournir, et le tems et la manière de la faire agir, ainsy que les avantages destinés à en former les compensation. 1778. February 6.

Art. 5. Si les Etats Unis jugent àpropos de tenter la reduction des isles Bermudes et des parties septentrionales de l'Amérique, qui sont encore au pouvoir de la Grande Brétagne les dits isles et contrées, en cas de succès, entreront dans la confédération ou seront dépendantes des dits Etats Unis.

Art. 6. Le roi très chrétien renonce à posseder jamais les Bermudes, ni aucune des parties du continent de l'Amérique septentrionale, qui, avant le traité de Paris de mil sept cent soixante trois, ou en vertu de ce traité, ont été reconnues appartenir a la couronne de la Grand Bretagne, ou aux Etats Unis, qu'on appelloit ci-devant colonies Britaniques, ou qui sont maintenant, ou ont été récemment sous la jurisdiction et sous le pouvoir de la couronne de la Grand Brétagne.

Art. 7. Si sa majesté très chrétienne juge àpropos d'attaquer aucune des isles situées dans le golphe de Mexique ou près du dit golphe, qui sont actuellement au pouvoir de la Grand Brétagne, toutes les dites isles, en cas de succès appartiendront à la conronne de France.

Art. 8. Aucune des deux parties ne pourra conclure ni trève ni paix avec la Grand Brétagne, sans le consentement préalable et formel de l'autre partie, et elles s'engagement mutuellement à ne mettre bas les armes, que lorsque l'indépendance des dits Etats Unis aura été assurée formellement ou tacitement par le traité ou les traités qui termineront la guerre.

Art. 9. Les parties contractantes déclarent, qu'étant resoluës de remplir chacune de son côté les clauses et conditions du présent traité d'alliance selon son pouvoir et les circonstances, elles n'auront aucune répétition, ni aucun dédommagement, à se demander réciproquement, quelque puisse etre l'événement de la guerre.

Art. 10. Le roi très chrétien et les Etats Unis sont convenus d'inviter de concert ou d'admettre les puissances, qui auront des greifs contre l'Angleterre, à faire cause commune avec eux, et à accéder à la présente alliance, sous les conditions que seront librement agrées et convenuës, entre toutes les parties.

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ART. 11. The two parties guarantee mutually from the present time, and forever, against all other powers, to wit: The United States to his most christian majesty, the present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace: And his most christian majesty guarantees on his part to the United States, their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America, conformable to the fifth and sixth articles above written, the whole as their possession shall be fixed and assured to the said states, at the moment of the cessation of their present war with England.

Mutual guarantee of possessions and sovereignty.

ART. 12. In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article, shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

Explanation of the extent of the mutual guarantee of possessions and sovereignty.

ART. 13. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner, if possible.

Ratifications to be exchanged within six months.

In faith whereof the respective plenipotentiaries, to wit:—on the part of the most christian king, Conrad Alexander Gerard, royal syndic of the city of Strasbourg, and secretary of his majesty's council of state, and on the part of the United States, Benjamin Franklin, deputy to the general congress from the state of Pennsyluania, and president of the convention of the same state: Silas Deane, heretofore deputy from the state of Connecticut, and Arthur Lee, counsellor at law, have signed the above articles both in the French and English languages, declaring nevertheless, that the present treaty was originally composed and concluded in the French language, and they have hereunto affixed their seals.

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD, [L. S.]
B. FRANKLIN, [L. S.]
SILAS DEANE, [L. S.]
ARTHUR LEE, [L. S.]

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1778. February 6.

ART. 11. Les deux parties se garantissent mutuellement des à présent et pour toujours envers et contre tous, savoir, les Etats Unis à sa majesté très chrétienne les possessions actuelles de la courronne de France en Amérique, ainsi que celles qu'elle pourra acquérir par le futur traité de paix. Et sa majesté très chrétienne, garantit de son côte aux Etats Unis leur liberté, leur souveraineté et leur independance absoluë et illimitée, tant en matière de politique que de commerce, ainsi que leurs possessions et les accroissements ou conquêtes que leur conféderation pourra se procurer pendant la guerre, d'aucun des domaines maintenant ou ci-devant possedés par la Grande Brétagne dans l'Amérique Septentrionale, conformément aux articles cinq et six ci-dessus, et tout ainsy que leurs possessions seront fixées et assurées aux dits états, au moment de la cessation de leur guerre actuelle contre l'Angleterre.

ART. 12. Afin de fixer plus précisément le sens et l'application de l'article précédent, les parties contractantes déclarent qu'en cas de rupture entre la France et l'Angleterre, la garantie réciproque enoncée dans le susdit article, aura toute sa force et valeur du moment où la guerre éclatera, et si la rupture n'avoit pas lieu, les obligations mutuelles de la dite garantie, ne commenceroient, que du moment susdit, ou la cessation de la guerre actuelle entre les Etats Unis et l'Angleterre, aura fixè leurs possessions.

ART. 13. Le présent traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de six mois ou plustôt si faire se peut.

En foi de quoi les plénipotentiaries respectifs, savoir: de la part du roi très chrétien le Sr. Conrad Alexandre Gerard, sindic royal de la ville de Strasbourg et sécrétaire du conseil d'état de sa majesté, et de la part des Etats Unis les Srs. Benjamin Franklin, deputé au congrés général de la part de l'état de Pensylvanie et president de la convention du même état, Siles Deane cy-devant député de l'état de Connecticut, et Arthur Lee, conseiller ès loix, ont signé les article ci-dessus, tant en langue Françoise, qu'en langue Angloise, déclarant néanmoins, que le présent traité, à été originairement redigé et arrêté en langue Françoise, et ils les on munis du cachet de leurs armes.

Fait à Paris, le sixième jour de mois Fevrier, mil sept cent soixante dixhuit.

C. A. GERARD, [L. S.]
B. FRANKLIN, [L. S.]
SILAS DEANE, [L. S.]
ARTHUR LEE. [L. S.]

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1782. July 16.

No. 3.—*Contract between his Most Christian Majesty and the United States of America, entered into by the count de Vergennes and Mr Franklin, the 16th July, 1782, and ratified by Congress, the 22d day of January, 1783.*

Motives for stating particularly the amount of the loans furnished by the French government, and the manner of payment, by the U. States.

The king having been pleased to attend to the requests made to him in the name, and on behalf of the united provinces of North America, for assistance in the war and invasion under which they had for several years groaned, and his majesty, after entering into a treaty of amity and commerce with the said confederated provinces, on the 6th of February, 1778, having had the goodness to support them, not only with his forces by land and sea, but also with advance of money, as abundant as they were effectual, in the critical situation to which their affairs were reduced: it has has been judged proper and necessary to state exactly the amount of those advances, the conditions on which the king made them, the periods at which the congress of the United States have engaged to repay them to his majesty's royal treasury, and in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which his majesty is resolved to maintain and preserve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between his majesty and the said United States; we, Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, and of his commands and finances, vested with full powers of his majesty to us given for this purpose: and we, Benjamin Franklin, minister plenipotentiary of the United States of North America, in like manner vested with full powers of the congress of the said states for the present purpose; after duly communicating our respective powers, have agreed to the following articles:

Amount of various loans.

Art. 1. It is agreed and certified, that the sums advanced by his majesty to the congress of the United States, under the title of a loan, in the years 1778, 1779, 1780, 1781, and the present, 1782, amount to the sum of eighteen millions of livres, money of France, according to the following twenty-one receipts of the abovementioned under written minister of congress, given in virtue of his full powers, to wit:

Items of loans.

1,	28 February,	1778,	-	750,000
2,	19 May,	ditto,	-	750,000
3,	3 August,	ditto,	-	750,000
4,	1 November,	ditto,	-	750,000
				3,000,000

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5,	10 June,	1779,	-	250,000	1782. July 16.
6,	16 September,	ditto,	-	250,000	
7,	4 October,	ditto,	-	250,000	
8,	21 December,	ditto,	-	250,000	Items of loans.
				1,000,000	
9,	29 February,	1780,	-	750,000	
10,	23 May,	ditto,	-	750,000	
11,	21 June,	ditto,	-	750,000	
12,	5 October,	ditto,	-	750,000	
13,	27 November,	ditto,	-	1,000,000	
				4,000,000	
14,	15 February,	1781,	-	750,000	
15,	15 May,	ditto,	-	750,000	
16,	15 August,	ditto,	-	750,000	
17,	1 August,	ditto,	-	1,000,000	
18,	15 November,	ditto,	-	750,000	
				4,000,000	
19,	10 April,	ditto,	-	1,500,000	
20,	1 July,	ditto,	-	1,500,000	
21,	5 of the same month,		-	3,000,000	
				6,000,000	
Amounting in the whole to 18 millions, viz.				18,000,000	

By which receipts the said minister has promised in the name of Congress, and in behalf of the thirteen United States, to cause to be paid and reimbursed to the royal treasury of his majesty, on the 1st of January, 1778, at the house of his grand banker at Paris, the said sum of eighteen millions money of France, with interest at five per cent. per annum. Five per cent. interest.

Art. 2. Considering that the payment of so large a capital at the one stipulated period, the 1st of January, 1788, may greatly injure the finances of the congress of the United States, and it may perhaps be even impracticable on that footing, his majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the minister of congress has given for the eighteen million livres tournois, mentioned in the foregoing article, and has consented that the payment of the capital in ready money, at the royal treasury, be in twelve equal payments of 1,500,000 livres each, and in twelve years, only, to commence from the third year after a peace. Loans to be repaid in twelve equal annual instalments.

Art. 3. Although the receipts of the minister of the congress of the United States specify, that the eighteen million of livres abovementioned, are to be paid at the royal treasury, with interest at five per cent. per annum, his majesty being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to for- Abatement of interest.

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1782. July 16.

give the whole arrears of interest to this day, and from thence to the date of the treaty of peace; a favor which the minister of the congress of the United States acknowledges to flow from the pure bounty of the king, and which he accepts in the name of the said United States with profound and lively acknowledgments.

In proportion to payments interest to diminish.

Payments may be antisipated.

ART. 4. The payment of the said eighteen millions of livres tournois shall be in ready money at the royal treasury of his majesty at Paris, in twelve equal parts; and at the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments. The congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

Loan made by France, in Holland, acknowledged to be for the use of the U. States.

ART. 5. Although the loan of five millions of florins of Holland, agreed to by the states general of the United Provinces of the Netherlands, on the terms of the obligation passed on the 6th of November, 1781, between his majesty and the said states General, has been made in his majesty name, and guaranteed by him; it is nevertheless acknowledged by these presents, that the said loan was made in reality on account, and for the service, of the United States of North America, and that the capital, amounting, at a moderate valuation, to the sum of ten millions livres tournis, has been paid to the said United States, agreeably to a receipt for the payment of the said sum, given by the undersigned minister of congress, the seventh day of June last.

Promise of the French king to repay the loan in Holland, acknowledged to have been made upon the pledge of Congress to repay it into the royal treasury, at Paris.

ART. 6. By the convention of the said 5th of November, 1781, the king has been pleased to promise and engage to furnish and pay at the general counter of the states general of the Netherlands, the capital of the said loan, with the interest at four per cent. per annum, without any charge or deduction whatever to the lenders, so that the said capital shall be wholly repaid after the space of five years, the payments to be made in ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterwards from year to year to the final payment of the said sum; but it is in like manner acknowledged by this act, that this engagement was entered into by the king, at the request of the undersigned minister of the United States, and on the promise by him made in the name of congress, and on behalf of the thirteen United States, to cause to be reimbursed and paid at the royal treasury of his

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majesty at Paris, the capital, interest and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781. 1782. July 16.

ART. 7. It is accordingly agreed and settled, that the sum of ten million livres tournois, being, by a moderate computation, the principal of the loan of five millions of Holland florins above mentioned, shall be reimbursed, and paid in ready money at the royal treasnry of his majesty at Paris, with the interest at four per cent. per annum, in ten equal payments, of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second the 5th November, 1778, and so from year to year, till the final payment of the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the king's affection for the United States, his majesty has been pleased to charge himself with the expense of commission and bank for the said loan, of which expenses his majesty has made a present to the United States, and this their undersigned minister accepts, with thanks, in the name of congress, as a new proof of his majesty's generosity and friendship for the said United States.

Agreement, on the pledge of Congress, to repay the Dutch loan in Paris, in ten equal annual payments, with four per cent. interest.

ART. 8. With regard to the interest of the said loan during the five years preceding the first term of payment of the capital, as the king has engaged to pay it at the general counter of the states general of the Netherlands, at the rate of four per cent. yearly, and every year, counting from the 5th of November 1781, according to the convention of that day, the minister of congress acknowledges that the repayment of that is due to his majesty by the United States, and he engages in the name of the said United States, to cause payment thereof to be made, at the same time and at the same rate at the royal treasury of his majesty; the first year's interest to be paid the 5th of November next, and so yearly, during the five years preceding the first term for the payment of the capital, fixed as above on the 5h of November, 1787.

Interest on the loan in Holland for five years, preceding the 1st term of pay of the principal, to be paid bythe UnitedStates to France.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner, if possible.

Ratifications to be exchanged in nine months.

In testimony whereof, we, the said plenipotentiaries of his most christian majesty, and of the thirteen United States of North America, in virtue of our respective powers, having signed these presents, and thereunto fixed the seal of our arms.

Done at Versailles, the sixteenth day of July, one thousand seven hundred and eighty-two.

GRAVIER DE VERGENNES, [L. S.]
B. FRANKLIN. [L. S.]

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1788.
November 14.

TRANSLATION.

No. 4.—*Convention between his most Christian Majesty and the United States of America, for the purpose of defining and establishing the functions and privileges of their respective consuls and vice consuls.*

Convention defining and establishing consular and vice-consular powers and privileges.

His majesty the most christian king and the United States of America, having by the twenty-ninth article of the treaty of amity and commerce concluded between them, mutually granted the liberty of having in their respective states and ports, consuls, vice consuls, agents, and commissaries, and being willing in consequence thereof to define and establish in a reciprocal and permanent manner, the functions and privileges of consuls and vice consuls, which they have judged it convenient to establish of preference, his most christian majesty has nominated the sieur count of Montmorin, of St. Herent, maréchal of his camps and armies, knight of his orders and of the golden fleece, his counsellor in all his councils, minister, and secretary of state, and of his commandments and finances, having the department of foreign affairs; and the United States have nominated the sieur Thomas Jefferson, citizen of the United States of America, and their minister plenipotentiary near the king, who, after having communicated to each other their respective full powers, have agreed on what follows:

Consuls to present commissions and receive exequatur without charge.

ART. 1. The consuls and vice consuls named by the most christian king and the United States, shall be bound to present their commissions according the forms which shall be established respectively by the most christian king within his dominions, and by the congress within the United States. There shall be delivered to them, without any charges, the *exequatur* necessary for the exercise of their functions; and on exhibting the said *exequatur*, the governors, commanders, heads of justice, bodies corporate, tribunals, and other officers having authority in the ports and places of their consulates shall cause them to enjoy immediately, and without difficulty, the pre-eminences, authority, and privileges, reciprocally granted, without exacting from the said consuls and vice consuls any fee, under any pretext whatever.

Consulsexempt from personal service in the communiy,&c.

ART. 2. The consuls and vice consuls, and persons attached to their functions—that is to say: their chancellors and secretaries, shall enjoy a full and entire immunity for their chancery and the papers which shall be therein contained

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1778.
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ORIGINAL.

Convention entre le Roi très Chrétien, et les Etats Unis de l'Amérique, a l'effet de determiner et fixer les fonctions et prérogatives des consuls et vice consuls respectifs.

Sa majesté le roi très chrétien, et les Etats Unis de l'Amérique, s'étant accordés mutuellement par l'art. 29 du traité d'amitié et de commerce conclu entr'eux, la liberté de tenir dans leurs états et port respectifs, des consuls, et vice consuls, agens et commissaires, et voulant en conséquence determiner et fixer d'une manière réciproque et permanente, les fonctions et prérogatives des consuls et vice consuls qu'ils ont juge convenable d'établir de préférence, sa majesté très chrétienne a nommé le sieur comte de Montmorin de St. Herent maréchal de ses camps et armées, chevalier de ses ordres et de la toison d'or, son conseiller en tous ses conseils, ministre et secrétaire d'état et de ses commandments et finances, aïant le département des affaires étrangères; et les Etats Unis ont nommé le sieur Thomas Jefferson, citoyen des Etats Unis de l'Amérique, et leur ministre plénipotentiaire auprés du roi, lesquels, après s'être communiqué leurs plein-pouvoirs respectifs sont convenus de ce qui suit:

Art. 1. Les consuls et vice consuls nommés par le roi très chrétien et les Etats Unis seront tenûs de présenter leurs provisions selon la forme qui se trouvera établie respectivement par le roi très chrétien dans ses états, et par le congrés dans les Etats Unis. On leur délivrera sans aucuns fraïx l'*exequatur* nécessaire à l'exercice de leurs fonctions, et sur l'exhibition qu'ils feront du dit *exequatur*, les gouverneurs, commandants, chefs de justice, les corps tribunaux ou autres officiers aïant autorité dans les ports et lieux de leurs consulats, les y feront joüir aussitôt et sans difficulté des préeminences, autorité, et privilegés accordés reciproquement, sans qu'ils puissant éxiger des dits consuls et vice consuls aucun droit sous aucun prétexte quelconque.

Art. 2. Les consuls et vice consuls et les personnes attachées à leurs fonctions, savoir: leurs chancéliers et secrétaires, joüiront d'une pleine et entière immunité pour leur chancéllerie et les papiers qui y seront renfermes. Ils seront éxemts

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1788. November 14.

They shall be exempt from all personal service, from soldiers' billets, militia, watch, guard, guardianship trusteeship, as well as from all duties, taxes, impositions, and charges whatsoever, except on the estate real and personal of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals. And in all other instances they shall be subject to the laws of the land as the natives are. Those of the said consuls and vice consuls who shall exercise commerce shall be respectively subject to all taxes, charges, and impositions established on other merchants. They shall place over the outward door of their house the arms of their sovereign; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

Consuls may establish agents

ART. 3. The respective consuls and vice consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said consuls: they shall confine themselves respectively to the rendering to their respective merchants, navigators and vessels, all possible service, and to inform the nearest consul of the wants of the said merchants, navigators and vessels, without the said agents otherwise participating in the immunities, rights, and privileges attributed to consuls and vice consuls, and without power under any pretext whatever to exact from the said merchants any duty or emolument whatsoever.

Functions of such consular agents.

Consuls may establish a chancery for the safe keeping of their official papers.

ART. 4. The consuls and vice consuls respectively may establish a chancery, where shall be deposited the consular determinations, acts, and proceedings, as also testaments, obligations, contracts, and other acts done by or between persons of their nation, and effects left by deceased persons, or saved from shipwreck. They may consequently appoint fit persons to act in the said chancery, receive and swear them in, commit to them the custody of the seal, and authority to seal commissions, sentences, and other consular acts, and also to discharge the functions of notary and register of the consulate.

Rights, authority, and duty of consuls.

ART. 5. The consuls and vice consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations, and all other the acts which the captains, masters, crews, passengers, and merchants of their nation may choose to make there, even their testaments

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de tout service personnel, logement des gens de guerre, milice, guet garde, tutélle, curatelle, ainsi que de tous droits, taxes, impositions et charges quelconques, à l'exception seulement des biens meubles et immeubles dont ils seroient propriétaires ou posseseurs, lesquels seront assujettis aux taxes imposées sur ceux de tous autres particuliers, et á tous égards ils demeureront sujets aux loix du païs comme les nationaux. Ceux des dits consuls, et vice consuls qui feront le commerce seront respectivement assujettis à toutes les taxes, charges et impositions établies sur les autre négociants. Ils placeront sur la port extérieure de leurs maisons les armes de leur souverain, sans que cette marque distinctive puisse donner aux dites maisons le droit d'asile, soit pour des personnes, soit des effets quelconques. 1788. November 14.

Art. 3. Les consuls et vice consuls respectifs pourront établir des gens dans les différens ports et lieux de leurs départements où le besoin l'éxigera; ces agens pourront être choisis parmi les négociants nationaux ou étrangers, et munis de la commission de l'un des dits consuls. Ils se renfermeront respectivement à rendre aux commerçants, navigateurs et bâtiments respectifs, tous les services possibles, et à informer le consul le plus proche des besoins des dits commerçants, navigateurs et bâtiments, sans que les dits agens puissent autrement participer aux immunités, droits et priviléges attribués aux consuls, et vice consuls, et sans pouvoir sous aucun prétexte que ce soit exiger aucun droit ou émolument quelconque des dits commerçants.

Art. 4. Les consuls et vice consuls respectifs pourront établir une chancèllerie où seront déposés les délibérations, actes et procedures consulaires, ainsi que les testaments obligations, contrats, et autres acts faits par les nationaux ou entr'eux et les éffets delaissés par mort, ou sauvés des naufrages. Ils pourront en conséqeunce commettre à l'éxercice de la dite chancéllerie des personnes capables, les recevoir, leur faire prêter serment, leur donner la garde du sçeau et le droit de sceller les commissions, jugements et autres actes consulaires, ainsi que d'y remplir les fonctions de notaire et greffiers du consulat.

Art. 5. Les consuls et vice consuls respectifs auront le droit exclusif de recevoir dans leur chancéllerie ou à bord des bâtiments, les déclarations et tous les autres actes que les capitaines, patrons, équipages, passagers, et negociants de leur nation voudront y passer, même leur testament et autres

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and other disposals by last will: and the copies of the said acts, duly authenticated by the said consuls or vice consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would, in all the tribunals of the dominions of the most christian king, and of the United States.

Rights, authority, and duty of consuls.

They shall also have, and exclusively, in case of the absence of the testamentary executor, administrator, or legal heir, the right to inventory, liquidate and proceed to the sale of the personal estate left by subjects or citizens of their nation, who shall die within the extent of their consulate; they shall proceed therein, with the assistance of two merchants of their said nation, or for want of them, of any other at their choice, and shall cause to be deposited in their chancery, the effects and papers of the said estates; and no officer, military, judiciary, or of the police of the country, shall disturb them or interfere therein, in any manner whatsoever: but the said consuls and vice consuls shall not deliver up the said effects, nor the proceeds thereof, to the lawful heirs, or to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country; for which purpose the creditors shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed, or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums he shall have unduly received principal, interest, and costs; which surety nevertheless shall stand duly discharged, after the term of one year in time of peace, and of two in time of war, if the demand in discharge cannot be formed before the end of this term against the heirs who shall present themselves. And in order that the heirs may not be unjustly kept out of the effects of the deceased, the consuls and vice consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months to answer all demands which shall be presented; and they shall be bound after this delay to deliver to the persons succeeding thereto, what shall be more than sufficient for the demands which shall have been formed.

Consuls to receive declarations, &c. from captains, of losses at sea.

Art. 6. The consuls and vice consuls respectively shall receive the declarations, protests, and reports of all captains and masters of their respective nation on account of average

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dispositions de dernière volonté, et les dispositions des dits actes duëment légalisés par les dits consuls ou vice consuls, et munis du sçeau de leur consulat, feront foi en justice comme le feroint les originaux dans tous les tribunaux des états du roi très chrêtien et des Etats Unis. Ils auront aussi, et exclusivement, en cas d'absence d'executeur, testamentaire, curateur, ou héritiers légitimes, le droit de faire l'inventaire, la liquidation et de procéder à la vente des éffets mobiliers de la succession des sujets ou citoyens de leur nation, qui viendront à mourir dans l'etenduë de leur consulat. Ils y procéderont avec l'assistance de deux négocians de leur dite nation, ou à leur défaut, de tout autre à leur choix, et feront déposer dans leur chancellerie les éffets et papiers des dites successions, sans qu'aucuns officiers militaires, de police du païs, puissent les y troubler, ni y intervenir de quelque manière que ce soit; mais les dits consuls et vice consuls ne pourront faire la déliverance de successions et de leur produit aux héritiers légitimes, ou à leurs mandetaires, qu'après avoir fait acquitter toutes les dettes que les défunts auront pû avoir contractées dans le païs à l'éffet de quoi les creanciers auront droit de saisir les dits éffets dans leurs mains, de même que dans celles de tout autre individu quelconque, et en poursuivre la vente jusqu'au païement de ce qui leur sera légitimement dû; lorsque les dettes n'auront été contractées par jugement, par acte, ou par billet dont la signature sera reconnuë le païment ne pourra en être ordonné qu'en fournissant par le créancier caution suffisante et domiciliée de rendre les sommes induëment perçuës principal, interêts et fraix; lesquelles cautions cependant demeureront duëment déchargés après une année, en tems de paix, et deux, en tems de guerre, si la demande en décharge ne peut être formée avant ces délais contre les héritiers qui se présenteront. Et afin de ne pas faire injustement attendre aux héritiers les éffets du défunt, les consuls et vice consuls feront annoncer sa mort dans quelqu' une des gazettes qui se publient dans l'étendue de leur consulat, et qu'ils retiendront les dits éffets sous leurs mains pendant quatre mois, pour répondre à toutes les demandes qui se présenteront: et ils seront tenûs, apres ce délai, ne délivrer aux héritiers l'excédent du montant des demandes qui auront été formées. 1788. November 14.

Art. 6. Les consuls et vice consuls respectifs recevront les déclarations, protestations et rapports de tous capitaines et patrons de leur nation respective pour raison d'avaries essu-

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losses sustained at sea: and these captains and masters shall lodge in the chancery of the said consuls and vice consuls, the acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of the most christian king and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the consuls or vice consuls; but when only the subjects or citizens of their own nation shall be interested, the respective consuls or vice consuls shall appoint skilful persons to settle the damages and average.

Duties of consuls, in cases of shipwreck.

ART. 7. In cases where, by tempest or other accident, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the most christian king, the consul or vice consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and the security of the effects and merchandise saved. He may take an inventory of them, without the intermedling of any officers of the military, of the customs, of justice, or of the police of the country, otherwise than to give to the consuls, vice consuls, captain, and crew of the vessel shipwrecked or stranded, all the succor and favor which they shall ask of them, either for the expedition and security of the saving and of the effects saved; or to prevent all disturbance.—And in order to prevent all kind of dispute and discussion in the said cases of shipwreck, it is agreed, that when there shall be no consul or vice consul to attend to the saving of the wreck, or that the residence of the said consul or vice consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein, with all the despatch, certainty, and precautions prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the consul or vice consul, and shall deliver over to him the report of his proceedings, the expenses of which the consul or vice consul shall cause to be reimbursed to him, as well as those of saving the wreck. The merchandise and effects saved shall be deposited in the nearest custom house, or other place of safety, with the inventory thereof which shall have been made by the consul or vice consul, or by the judge who shall have proceeded in their absence, that the said effects and merchandise may

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yées à la mer, et ces capitaines et patrons remettront dans la chancellerie des dits consuls et vice-consuls les actes qu'ils auront faits dans d'autres ports pour les accidents qui leur seront arrivés pendant leur voyage. Si un sujet du roi très chrétien et un habitant des Etats Unis, ou un étranger sont interessés dans la dite cargaison, l'avarie sera réglée par les tribunaux du païs, et non par les consuls et vice consuls, mais lorsqu'il n'y aura d'intèressés que les sujets ou citoyens de leur propre nation, les consuls ou les vice consuls respectifs nommeront des experts pour régler les dommages et avaries. 1788. November 14.

Art. 7. Dans le cas où, par tempête, ou autres accidents, des vaisseaux ou bâtiments Francais échouëront sur les côtes des Etats Unis, et des vaisseaux et bâtiments des Etats Unis échouëront sur les côtes des états de sa majesté très chrétienne le consul ou le vice consul, le plus proche du lieu du naufrage, pourra faire tout ce qu'il jugera convenable, tant pour sauver le dit vaisseau ou bâtiment, son chargement et appartenances, que pour le magazinage et la sûreté des éffets sauvés et marchandises. Il pourra en faire l'inventaire, sans qu'aucuns officiers militaires, des doüanes, de justice ou de police du païs, puissent, s'y immiscer autrement que pour faciliter aux consuls et vice consuls, capitaine et équipage du vaisseau naufragé, ou échoué, tous les secours, et faveurs qu'ils leur demanderont, soit par la célérité, et la sûreté du sauvetage et des éffets sauvés, soit pour éviter tous désordres. Pour prevenir même toute espéce de conflit et de discution dans les dits cas de naufrage, il a été convenû que lorsqu'il ne se trouvera pas de consul ou vice consul pour faire travailler au sauvètage, ou que la résidence du dit cousul ou vice consul, qui ne se trouvera pas sur le lieu de naufrage, sera plus éloignée du dit lieu que celle du juge territorial compétent,, de dernier fera procéder sur le champ avec toute la célérité, la sûreté et les précautions prescrites par les loix respectives, sauf au dit juge territorial à se retirer, le consul ou vice consul survenant, et à lui remettre l'expédition des procédures par lui faites, dont le consul ou vice consul lui fera rembourser les fraix, ainsi que ceux de sauvetage. Les marchandises et éffets sauvés devront être déposés à la doüane ou autre lieu de sûreté le plus prochain avec l'inventaire qui en aura été dressé par le consul ou vice consul, ou en leur absence par le juge qui en aura connû, pour les dits éffets et marchandises être ensuite délivrés après le prélevement des fraix, et sans forme de procés, aux propriétaires, qui, mu-

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be afterwards delivered, (after levying therefrom the costs,) and without form of process, to the owners, who being furnished with an order for their delivery, from the nearest consul or vice consul, shall reclaim them by themselves, or by their order, either for the purpose of re-exporting such merchandise, in which case they shall pay no kind of duty of exportation, or for that of selling them in the country, if they be not prohibited there; and in this last case, the said merchandise, if they be damaged, shall be allowed an abatement of entrance duties, proportioned to the damage they have sustained, which shall be ascertained by the affidavits taken at the time the vessel was wrecked or struck.

Consuls to exercise police over vessels of their nation.

ART. 8. The consuls or vice consuls shall exercise police over all the vessels of their respective nations, and shall have on board the said vessels all power and jurisdiction in civil matters, in all the disputes which may there arise; they shall have an entire inspection over the said vessels, their crew, and the changes and substitutions there to be made. For which purpose they may go on board the said vessels whenever they may judge it necessary. Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

Consuls may arrest deserters from the vessels of their nation.

ART. 9. The consuls and vice consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, that those men were part of the said crews; and on this demand so proved (saving however where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same case.

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nis de la main levée du cousul ou vice consul le plus proche, les réclameront par eux mêmes, ou par leurs mandataires soit pour réexporter les marchandises, et dans ce cas elles ne païeront aucune espèce de droits de sortie, soit pour les vendre dans le pais, si elles n'y sont pas prohibées; et dans ce dernier cas, les dites marchandises se trouvant avariées, on leur accordera une modération sat les droits d'entrée proportionnée au dommage souffert, lequel sera constaté par le procés verbal dressé lors du naufrage ou l'echouëment. 1788. November 14.

Art. 8. Les consuls ou vice consuls éxerceront la police sur tous les bâtimens de leurs nations respectives, et auront à bord des dits bâtimens tout pouvoir et jurisdiction en matière civile dans toutes les discutions qui pourront y survenir; ils auront une entière inspection sur les dits bâtiments, leurs équipages et les changements et remplacement à y faire, pour quel effet ils pourront se transporter à bord des dits bâtiments toutes les fois qu'ils le jugeront necessaire; bien entendu que les fonctions ci-dessus énoncées seront concentrées dans l'intérieur des bâtiments, et qu' elles ne pourront avoir lieu dans aucun cas qui aura quelque rapport avec la police des ports où les dits bâtiments se trouveront.

Art. 9. Les consuls et vice consuls pourront faire arrêter les capitaines, officiers, mariniers, matelots, et toutes autres personnes faisant partie des équipages des bâtiments de leurs nations respectives qui auroient déserte des dits bâtimens, pour les renvoyer et faire transporter hors du païs. Auquel éffet les dits consuls et vice consuls s'addresseront aux tribunaux, juges, et officiers compétents et leur feront, par écrit, la demande des dits déserteurs, en justifiant par l'exhibition des régistres du bâtiment ou rôle d'equipage, que ces hommes faisoient partie des susdits équipages. Et sur cette demande, ainsi justifiée, sauf toutefois la preuve contraire, l'extradition ne pourra être refusée, et il sera donné toute aide et assistance aux dits consuls et vice consuls pour la recherce, saisie et arrestation des susdits déserteurs, lesquels seront même detenûs et gardés dans les prisons du païs, a leur réquisition, et à leurs fraix, jusqu' à ce qu'ils aïent trouvé occasion de les renvoyer. Mais s'ils n'étoient renvoyés dans le délai de trois mois à compter du jour de leur arrêt, ils seront élargis, et ne pourront plus être arrêtés pour la même cause.

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Citizens or subjects amenable for crimes to the magistrates of the country.

ART. 10. In cases where the respective subjects or citizens shall have committed any crime, or breach of the peace, they shall be amenable to the judges of the country.

Offenders may be taken from on board their ships.

ART. 11. When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board the said vessel, they may be there seized and arrested by order of the judges of the country: these shall give notice thereof to the consul or vice consul, who may repair on board if he thinks proper: but this notification shall not in any case delay execution of the order in question. The persons arrested shall not afterwards be set at liberty until the consul or vice consul shall have been notified thereof; and they shall be delivered to him, if he requires it, to be put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

Differences between citizens, or subjects, of either party, to be determined consuls, without costs.

ART. 12. All differences and suits between the subjects of the most christian king, in the United States, or between the citizens of the United States, within the dominions of the most christian king, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective consuls and vice consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter: and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

Both parties to enjoy the benefit of tribunals for deciding disputes in relation to commerce.

ART, 13. The general utility of commerce having caused to be established within the dominions of the most christian king, particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the congress of the United States will provide in the manner the most conformable to its laws, for the establishment of equivalent advantages in favor of the French merchants, for the prompt despatch and decision of affairs of the same nature.

Citizens & subjects on proof being alien, to be exempt from personal service

ART. 14. The subjects of the most christian king, and the citizens of the United States, who shall prove by legal evidence that they are of the said nations respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement.

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ART. 10. Dans le cas où les sujets ou citoyens respectifs auront commis quelque crime ou infraction de la tranquilité publique, ils seront justiciables des juges du païs.

ART. 11. Lorsque les dits coupables seront partie de l'équipage de l'un des bâtiments de leur nation; et se seront retirés à bord des dits navires, ils pourront y être saisis et arrêtés par l'ordre des juges territoriaux: ceux-ci en préviendront le consul ou vice consul, lequel pourra se rendre à bord s'il le juge àpropós: mais cette prévenance ne pourra en aucun cas retarder l'éxécution de l'ordre dont il est question. Les personnes arrêtées ne pourront en suite être mises en liberté qu'après que le consul ou vice consul en aura été prévenu, et elles lui seront remises s'il requiert, pour être reconduites sur les bâtimens où elles auront été arrêtées, ou autres de leur nation, et être renvoyées hors du pas.

ART. 12. Tous différends et procés entre les sujets du roi très chrétien dans les Etats Unis; ou entre les citoyens des Etats Unis dans les états du roi très chrétien, et notamment toutes les discutions relatives aux salaires et conditions des engagements des equipages des bâtiments respectifs, et tous différends de quelque nature qu'ils soient, qui pourroient s'élever entre les hommes des dits équipages, ou entre quelques uns d'eux, et leurs capitaines, ou entre le capitaines de divers bâtiments nationaux, seront terminés par les consuls et vice consuls respectifs, soit par un renvoi par devant des arbitres, soit par une jugement sommaire, et sans fraix. Aucun officier territorial, civil ou militaire, ne pourra y intervenir, ou prendre une part quelconque à l'affaire, et les apels des dits jugements consulaires seront portés devant les tribunaux de Francé ou des Etats Unis qui doivent en connaître.

ART. 13. L'utilité générale du commerce aïent fait établir dans les états du roi très chrétien des tribunaux et des formes particulières pour accélérer la décision des affaires de commerce, les negocians des Etats Unis jouïront du bénefice de ces établissements, et le congrés des Etats Unis pourvoira de la manière la plus conforme à ses loix, à l'établissement des avantages équivalents en faveur des negociants Français pour la prompte expédition et décision des affaires de la même nature.

ART. 14. Les sujets du roi très chrétien et les citoyens des Etats Unis, qui justifieront authentiquement être du corps de la nation respective, jouïront en consequence de l'exemption de tout service personnel dans le lieu de leur établissement.

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ART. 15. If any other nation acquires, by virtue of any convention whatever, a treatment more favorable with respect to the consular pre-eminences, powers, authority, and privileges, the consuls and vice consuls of the most christian king, or of the United States, reciprocally, shall participate therein, agreeable to the terms stipulated by the second, third, and fourth articles of the treaty of amity and commerce, concluded between the most christian king and the United States.

If the consuls of other nations obtain greater privileges from either party, they are to be common to each.

ART. 16. The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

This convention to be force for 12 years, from the period of the ratifications.

In faith whereof, we, ministers plenipotentiary, have signed the present convention, and have thereto set the seal of our arms.

Done at Versailles, the 14th of November, one thousand seven hundred and eighty-eight.

L. C. DE MONTMORIN, [L. S.]
TH. JEFFERSON. [L. S.]

NOTE.—No. 2, and the above No. 4, have been annulled by act of congress. See page 58.

No. 5.—*Convention between the French Republic and the United States of America.*

By the President of the United States of America, a Proclamation.

Proclamation of a convention between the United States and France, Dec. 21 1801

Whereas a convention for terminating certain differences which had arisen between the United States of America and the French republic, was concluded and signed by the plenipotentiaries of the two nations, duly and respectively authorised for that purpose, and was duly ratified and confirmed by the president of the United States, with the advice and consent of the senate, which convention so ratified is in the form following:

John Adams, President of the United States of America—To all and singular to whom these presents shall come greeting:

Whereas a certain convention between the United States of America and the French republic was concluded and signed between their plenipotentiaries, the honorable Oliver Ellsworth, William Richardson Davie, and William Vans Murray, esquires, their envoys extraordinary and ministers plenipotentiary to the French republic and the plenipotentiaries of the French republic, the citizens Joseph Bonaparte, Charles Pierre Claret Fleurieu, and Pierre Louis Rœderer, at Paris, on the 30th day of September last past, which convention is, word for word, as follows, to wit:

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ART. 15. Si quelqu' autre nation acquiert, en vertu d'une convention quelconque, un traitement plus favorable relativement aux préeminences, pouvoirs, autorité et priviléges consulaires, les consuls et vice consuls du roi très chrétien ou des Etats Unis, reciproquement, y participeront, aux termes stipulés par les articles deux, trois et quatre, du traité d'amitié et de commerce conclu entre le roi très chrétien et les Etats Unis.

ART. 16. La présente convention aura son plein effet pendant l'espace de douze ans à compter du jour de l'échange des ratifications, lesquelles seront données en bonne forme et échangées de part et d'autre dans l'espace d'une an, ou plustôt si faires se peut.

En foi de quoi, nous ministres plénipotentiaires, avons signé la présente convention, et y avons fait apposer le cachet de nos armes.

Fait à Versailles, le 14 Novembre, mil sept cent quatre-vingt-huit.

L. C. DE MONTMORIN, [L. S.]
TH. JEFFERSON. [L. S.]

Convention etre la République Français et les Etats Unis d'Amérique.

Bonaparte, premier consul, au nom du peuple Français, les consuls de la république ayant vu et examiné la convention conclue, arrêtée et signée à Paris le huit Vendémaire, an neuf de la république Française (trente Septembre, mil huit cent) par les citoyens Joseph Bonaparte, Fleurieu et Rœderer, conseillers d'état, en vertu des pleinspouvoirs qui leur avaient été conférés à cet effet, avec Messieurs Ellsworth, Davie et Murray, ministres plénipotentiaires des Etats Unis, également munis de pleinspouvoirs, de laquelle convention la teneur suit:

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Convention between the French Republic and the United States of America.

Convention for terminating differences between the U. States & France

The premier consul of the French republic in the name of the people of France, and the President of the United States of America, equally desirous to terminate the differences which have arisen between the two states, have respectively appointed their plenipotentiaries, and given them full powers to treat upon those differences, and to terminate the same; that is to say, the premier consul of the French republic, in the name of the people of France, has appointed for the plenipotentiaries of the said republic, the citizens Joseph Bonaparte, ex-ambassador at Rome and Counsellor of state; Charles Pierre Claret Fleurieu, member of the national institute, and of the board of longitude of France, and counsellor of state, president of the section of marine; and Pierrre Louis Rœderer, member of the national institute of France, and counsellor of state, president of the section of the interior; and the president of the United States of America, by and with the advice and consent of the senate of the said states, has appointed for their plenipotentiaries, Oliver Ellsworth, chief justice of the United States, William Richardson Davie, late governor of the state of North Carolina, and William Vans Murray, minister resident of the United States, at the Hague; who, after having exchanged their full powers, and after full and mature discussion of the respective interests, have agreed on the following articles:

Firm and inviolable peace between the parties.

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the French republic and the United States of America, and between their respective countries, territories, cities, towns, and people, without exception of persons or places.

The treaties of Feb. 1778, and the convention of Nov. 14, 1778 annulled.

ART. 2. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1778, nor upon the indemnities mutually due or claimed; the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:*

[* This article was subsequently expunged.]

Captured public ships to be restored.

ART. 3. The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

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Convention entre la République Français et les Etats Unis d'Amérique.

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Le premier consul de la république Française au nom du peuple Français, et le president des Etats Unis d'Amérique, également animés du désir de mettre fin aux differends qui sont servenus entre les deux Etats, ont respectivement nommé leurs plénipotentiaires, et leur ont donné pleinpouvoir pour négocier sur ces différends et les terminer; c'est à dire, le premier consul de la république Française, au nom du peuple Français, a nommé pour plénipotentiaries de la dite république, les citoyens Joseph Bonaparte, ex-ambassadeur de la république Française à Rome et conseiller d'état; Charles Pierre Claret Fleurieu, membre de l'institut national et du bureau des longitudes de France, et conseiller d'état, président de la section de la marine; et Pierre Louis Rœderer, membre d l'institut national de France, et conseiller d'état, président de la section de l'intérieur; et le president des Etats Unis d'Amérique, par et avec l'avis et le consentement du sénat des dits états, a nommè pour leurs plénipotentiaires, Olivier Ellsworth, chef de la justice des Etats Unis; William Richardson Davie, ci-devant governeur de l'état de la Caroline septentrionale, et William Vans Murray, ministre résident des Etats Unis à la Haye.

Lesquels, aprés avoir fait l'échange de leurs pleinspouvoirs longuement et mûrement discuté les intérêts respectifs, sont convenus des articles suivans:

Art. 1. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincère entre la république Française et les Etats Unis d'Amérique, ainsi qu'entre leurs pays, territoires, villes et places, et entre leurs citoyens et habitants, sans exception de personnes ni de lieux.

Art. 2. Les ministres plénipotentiaires des deux parties ne pouvant pour le présent s'accorder relativement au traité d'alliance du 6 Février, 1778, au traité d'amitié et de commerce de la même date, et à la convention en date du 14 Novembre 1778, non plus que relativement aux indemnités mutuellement dues ou réclamées, les parties négocieront ultérieurement sur ces objets, dans un toms convenable: et jusqu' à ce qu'elles se soyent accordées sur ces points, les dits traités et convention n'auront point d'effet, et les relations des deux nations seront réglées ainsi qu'il suit:

Art 3. Les bâtimens d'états qui ont été pris de part et d'autre, ou qui pourraient être pris avant l'échange des ratifications seront rendus.

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ART. 4. Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications (contraband goods destined to an enemy'ys port excepted) shall be mutually restored on the following proofs of ownership: viz. The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

Captured property, not definitively condemned, to be restored on certain proof.

"To all who shall these presents, greeting:

Form of the passport referred to in page 52.

"It is hereby made known that leave and permission has been given to ——— ———, master and commander of the ship called ———, of the town of ———, burden ——— tons, or thereabouts, lying at present in the port and haven of ———, and bound for ———, and laden with ——— ———, after that his ship has been visited, and before sailing he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of ———. The act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship; and of all who shall embark on board her; whom he shall not take on board without the knowledge and permission of the officers of the marine, and in every port or haven where he shall enter with his ship, he shall show this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colors, arms, and ensigns of the [French republic or the United States] during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by ———, at ———, the ——— day of ———, anno domini ———."

Form of proof of captured vessels to be restored.

And this passport will be sufficient without any other paper, any ordinance to the contrary notwithstanding: which passport shall not be deemed requisite to have been renewed or recalled, whatever number of voyages the ship may have made, unless she shall have returned home within the space of a year.—Proof with respect to the cargo shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, so that the forbidden and contraband goods may be distinguished by the certifi-

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ART. 4. Les propriétés capturées et non encore condamnées définitivement, ou qui pourront être capturées avant l'échanges des ratifications, excepté les marchandises de contrebande destinées pour un port ennemi, seront rendues mutuellement sur les preuves suivantes de propriété; *savoir:*

De part et d'autre, les preuves de propriété relativement aux navires marchands, armés ou non armés seront un passeport de la forme suivante:

"*A tous ceux* qui les présentes verront, soit notoire que faculté et permission a été accordée à————, maître ou commandant du navire, appellé————, de la ville de————, de la capacité de————, tonneaux ou environ, se trouvant présentement dans le port et hâvre de————, et destiné pour————, chargé de————, qu'après que son navire a été visité et avant son départ, il prêtera serment entre les mains des officiers autorisés à cet effet; que le dit navire appartient à un ou plusieurs sujets de————, dont l'acte sera mis à la fin des présentes; de même qu'il gardera et fera garder par son equipage, les ordonnances et réglemens maritimes, et remettra une liste signée et confirmée par témoins, contenant les noms et surnoms, les lieux de naissance, et la demeure des personnes composant l'équipage de son navire, et de tous ceux qui s'y embarqueront, lesquels il ne recevra pas à bord sans la connaissance et permission des officiers autorisés à ce; et dans chaque port ou hâvre ou il entrera avec son navire, il montrera la présente permission aux officiers à ce autorisés, et leur fera un rapport fidèle de ce qui s'est passé durant son voyage; et il portera les couleurs, armes et enseignes (de la république Française ou des Etats Unis) durant son dit voyage. En temoin de quoi nous avons signé les présentes, les avons fait contresigner par————, et y avons fait apposer le sceau de nos armes.

Donné à————, le———— ————, de————, l'an de grace le————."

Et ce passeport suffira sans autre pièce, not obstant tout réglement contraire. Il ne sera pas exigé que ce passeport ait été renouvellé ou révoqué, quelque nombre de voyages que le dit navire ait pu faire, à moins qu'il ne soit revenu chez lui dans l'espace d'une année.

Par rapport à la cargaison, les preuves seront des certificats contenant le détail de la cargaison, du lieu d'où le bâtiment est parti et de celui où il va, de manière que les marchandises défendues et de contrebande puissent être distinguées par les certificats, lesquels certificats auront été fait par les officiers

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cates; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident, or taken away by force, their deficiency may be supplied by such other proofs of ownership, as are admissible by the general usage of nations. Proof with respect to other than merchant ships shall be the commission they bear.

Certificates required as proof, in case of cargoes.

This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall without delay be restored or paid for.

This article to take effect from Sept. 30, 1800.

ART. 5. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

Debts due to individuals of either party, to be paid, may be sued for.

ART. 6. Commerce between the parties shall be free. The vessels of the two nations and their privateers, as well as their prizes, shall be treated in their respective ports as those of the nation the most favored; and, in general, the two parties shall enjoy in the ports of each other, in regard to commerce and navigation, the privileges of the most favored nations.

Free commerce between both parties.

ART. 7. The citizens and inhabitants of the United States shall be at liberty to dispose by testament, donation, or otherwise, of their goods, moveable and immoveable, holden in the territory of the French republic in Europe, and the citizens of th French republic shall have the same liberty with regard to goods, moveable, and immoveable, holden in the territory of the United States, in favor of such persons as they shall think proper. The citizens and inhabitants of either of the two countries, who shall be heirs of goods, moveable or immoveable, in the other, shall be able to succeed *ab intestato*, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded, under any pretext whatever; and the said heirs, whether such by particular title, or *ab intestato*, shall be exempt from every duty whatever in both countries. It is agreed that this article shall in no manner derogate from the laws which either

Citizens of each country, to enjoy in that of the other, the rights of devise, donation, and of inheritance, &c. without naturalization.

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de l'endroit d'où le navire sera parti, dans la forme usitée dans le pays ; et si ces passeports ou certificats, ou les uns et les autres ont été détruits par accident, ou enlevés de force, leur défaut pourra être supplée par toutes les autres preuves de propriété admissibles d'après l'usage général des nations. 1800. September 30.

Pour les bâtimens autres que les navires marchands, les preuves seront la commission dont il sont porteurs. Cet article aura son effet à dater de la signature de la présente convention; et si à dater de la dite signature, des propriétés sont condamnées contrairement à l'esprit de la dite convention, avant qu'on ait connaissance de cette stipulation la propriété ainsi condamnée sera, sans délai rendue ou payée.

Art. 5. Les dettes contractées par l'une des deux nations envers les particuliers de l'autre, ou par des particuliers de l'une envers des particuliers de l'autre, seront acquittées ou le payement en sera poursuivi comme s'il n'y avait eu aucune mésintelligence entre les deux états—mais cette clause ne s'étendra point aux indemnités réclamées pour des captures ou pour des condamnations.

Art. 6. Le commerce entre les deux parties sera libre; les vaisseaux des deux nations et leurs corsaires, ainsi que leurs prises, seront traités dans les ports respectifs comme ceux de la nation la plus favorisée, et, en general, les deux parties jouiront dans les ports l'une de l'autre par rapport au commerce et à la navigation, des privilèges de la nation la plus favorisée.

Art. 7. Les citoyens et habitans des états Unis pourront disposer par testament, donation ou autrement, de leurs biens, meubles et immeubles, possédés dans le territoire Européen de la république Française; et les citoyens de la république Française auront la même faculté à l'égard des biens, meubles et immeubles, possédés dans le territoire des Etats Unis, en faveur de telle personne que bon leur semblera. Les citoyens et habitans d'un des deux états, qui seront héritiers des biens, meuble ou immeubles situés dans l'autre, pourront succéder *ab intestato*, sans qu'il ayent besoin de lettres de naturalité, et sans que l'effet de cette stipulation, leur puisse être contesté ou empêché, sous quelque prétexte que ce soit; et seront les dits héritiers, soit à titre particulier, soit *ab intestat*, exempts de tout droit quelconque chez les deux nations. Il est convenu que cet article ne dérogera en aucune manière aux lois qui sont à présent en vigueur chez les deux nations ou qui pourraient

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state may now have in force, or hereafter may enact, to prevent emigration; and also that in case the laws of either of the two states should restain strangers from the exercise of the rights of property with respect to real estate, such real estate may be sold, or otherwise disposed of, to citizens or inhabitants of the country where it may be, and the other nation shall be at liberty to enact similar laws.

In case of war between the two nations, for removing property, 6 months to be allowed.

ART. 8. To favor commerce on both sides, it is agreed, that in case a war should break out between the two nations, which God forbid, the term of six months after the declaration of war shall be allowed to the merchants and other citizens and inhabitants respectively, on one side and the other, during which time they shall be at liberty to withdraw themselves, with their effects and moveables, which they shall be at liberty to carry, send away, or sell, as they please, without the least obstruction; nor shall their effects much less their persons, be seized, during such term of six months; on the contrary, passports, which shall be valid for a time necessary for their return, shall be given to them for their vessels and the effects which they shall be willing to send away or carry with them; and such passports shall be a safe conduct against all insults and prizes which privateers may attempt against their persons and effects. And if any thing be taken from them, or any injury done to them or their effects, by one of the parties, their citizens or inhabitants, within the term above prescribed, full satisfaction shall be made to them on that account.

Debts, &c. not to be sequestered in the event of war.

ART. 9. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys, which they may have in public funds, or in the public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

Commercial agents may be reciprocally appointed, to reside in the U. States, and in France. Commercial agents not to exercise their functions until they are recognized by the government.

ART. 10. It shall be free for the two contracting parties to appoint commercial agents for the protection of trade, to reside in France and the United States. Either party may except such place, as may be thought proper, from the residence of those agents. Before any agent shall exercise his functions, he shall be accepted in the usual forms by the party to whom he is sent; and when he shall have been accepted and furnished with his exequatur, he shall enjoy the rights and prerogatives of the similar agents of the most favored nations.

Citizens of the U. States, and of France, to pay

ART. 11. The citizens of the French republic shall pay in the ports, havens, roads, countries, islands, cities, and towns

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être promulguées à la suite contre l'émigration, et aussi que dans le cas où les loir de l'un des deux états limiteraient pour les étrangers l'exercice des droits de la propriété sur les immeubles ou pourrait vendre ces immeubles ou en disposer autrement en faveur d'habitans ou de citoyens du pays où ils seraient situés, et il sera libre á l'autre nation d'établir de semblables lois.

Art. 8. Pour favoriser de part et d'autre le commerce, il est convenu que si, ce qu' à Dieu ne plaise, le guerre éclatait entre les deux nations, on allouera, de part et d'autre, aux marchands, et autres citoyens ou habitans respectifs, six mois après la déclaration de guerre, pendant lequel tems ils auront la faculté de se retirer avec leurs effets et meubles qu'ils pourront emmener, envoyer ou vendre, comme ils le voudront, sans le moindre empêchement. Leurs effets, et encore moins leurs personnes, ne pourront point, pendant ce tems de six mois, être saisis; au contraire, on leur donnera des passeports qui seront valables pour le tems nécessaire à leur retour chez eux; et ces passeports seront donnés pour eux, ainsi que pour leur bâtimens et effets, qu'ils désireont emmener ou envoyer. Ces passeports serviront de sauf conduit contre toute insulte et contre toute capture de la part des corsaires, tant contre eux que contre leurs effets; et si, dans le terme cidessus désigné, il leur était fait parl'une des parties, ces citoyens ou ses habitans, quelque tort dans leur personnes ou dans leurs effets, on leur en donnera satisfaction complète.

Art. 9. Les dettes dues par des individus de l'une des deux nations aux individus de l'autre, ne pourront, dans aucun cas de guerre, ou de démêlés nationaux, être séquestrées ou confisquées, non plus que les actions ou fonds qui se trouveraient dans les fonds publics, au dans des banques publiques ou particulieres.

Art. 10. Les deux parties contractantes pourront nommer, pour protéger le négoce, des agens commerciaux qui résideront en France et dans les Etats Unis; chacune des parties pourra excepter telle place qu'elle jugera à propos, des lieux ou la résidence de ces agens pourra être fixée. Avant qu'aucun agent puisse exercer ses fonctions, il devra êtra accepté, dans les formes reçues, par la partie chez laquelle il est envoyé ;et quand il aura été accepté et pourvu de son *exequatur*, il jouira des droits et prérogatives dont jouiront les agens semblables des nations le plus favorisées.

Art. 11. Les citoyens de la republique Française ne payeront dans les ports, hâvres, rades, contrées, isles, cités et lieux

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of the United States, no other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the nations most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, whether in passing from one port in the said states to another, or in going to and from the same from and to any part of the world, which the said nations do or shall enjoy. And the citizens of the United States shall reciprocally enjoy in the territories of the French republic in Europe, the same privileges and immunities, as well for their property and persons, as for what concerns trade, navigation, and commerce.

reciprocally, no higher duties than the most favored nations.

This stipulation is confined to Europe, on the part of France.

Free trade allowed to ports of an enemy.

ART. 12. It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places of those who are enemies of both or of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same power, or under the several; unless such ports or places shall be actually blockaded, beseiged, or invested.

Notice of blockade to be given before captures are made.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

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des Etats Unis, d'autres ni de plus grands droits, impôts de quelque nature qu'ils puissent être, quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont ou seront tenues de payer; et ils jouiront de tous les droits, libertés, privilèges, immunités, et exemptions en fait de négoce, navigation et commerce, soit en passant d'un port des dits états à un autre, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les nations susdites jouissent ou jouiront. Et réciproquement, les citoyens des Etats Unis jouiront, dans le territorie de la république Française en Europe, des mêmes privilèges, immunités, tant pour leurs bieus et leurs personnes, que pour ce qui concerne le négoce, la navigation et le commerce.

Art. 12. Les citoyens des deux nations pourront conduire leurs vaisseaux et marchandises (*en exceptant toujours la contrébande*) de tout port quelconque, dans un autre port appartenant à l'ennemi de l'autre nation; ils pourront naviguer et commercer en toute liberté et sécurité, avec leurs navires et marchandises, dans les pays, ports et places des ennemis des deux parties ou de l'une ou de l'autre partie, sans obstacles et sans entraves, et non seulement passer directement des places et ports de l'ennemi susmentionnés, dans les ports et places neutres, mais encore de tout place appartenant à un ennemi dans toute autre place apartenant à un ennemi, qu'elle soit ou ne soit pas soumise à la même jurisdiction, á moins que ces places ou ports ne soyent réellement bloqués, assiéges ou investis.

Et dans le cas, comme il arrive souvent, où les vaisseaux feraient voile pour une place ou port appartenant à un ennemi, ignorant qu'ils sont bloqués assiégés ou investis, il est convenu que tout navire qui se trouvera dans une pareille circonstance, sera détourné de cette place ou port, sans qu'on puisse le retenir ni confisquer aucune partie de sa cargaison (*à moins qu'elle né soit de contrebande, ou qu'il ne soit prouvé que le dit navire, après avoir été averti du blocus ou investissement, à voulu rentrer dans ce même port*;) mais il lui sera permis d'aller dans tout autre port ou place qu'il jugera convenable. Aucun navire de l'une ou de l'autre nation, entré dans un port ou place avant qu'ils ayent été réellement bloqués, assiégés ou investis par l'autre, ne pourra être empêché de sortir avec sa cargaison: s'il s'y trouve, lorsque la dite place sera rendue, le navire et sa cargaison ne pourront être confisqués, mais seront remis aux propriétaires.

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ART. 13. In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination, gunpowder, saltpetre, petards, match, ball, bombs, grenades, carcasses, pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, cannon, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops; all the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

Specification of contraband.

The vessel not affected by having contraband articles.

ART. 14. It is hereby stipulated that free ships shall give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to either party, they are not to be taken out of that free ship, unless they are soldiers, and in actual service of the enemy.

Free ships give a freedom to goods, although the property of an enemy.

Persons, not in the actual military service of an enemy, protected on board free ships.

ART. 15. On the contrary, it is agreed, that whatever shall be found to be laden by the citizens of either party on any ship belonging to the enemies of the other, or their citizens, shall be confiscated without distinction of goods, contraband or not contraband, in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without knowledge of such declaration; so that the goods of the citizens of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy, before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same; but so as that if the said merchandises be contraband, it shall not be any ways lawful to carry them afterwards to any ports be-

Goods laden on board enemy ships, after war is known to exist, to be confiscated.

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ART. 13. Pour régler ce qu'on entendra par contrebande de guerre, seront compris sous cette dénomination la poudre, le salpêtre, les pétard, mêches, balles, boulets, bombes, grenades, carcasses, piques, hallebardes, épées, ceinturons, pistolets, fourreaux, selles de cavalrie, harnais, canons, mortiers avec leurs affuts, et géneralement toutes armes et munitions de guerre et utensiles, à l'usage des troupes. Tous les articles ci-dessus, toutes les fois qu'ils seront destinés pour le port d'un ennemi, sont déclarés de contrebande et justement soumis à la confiscation. Mais le bâtiment sur lequel ils étaient chargés ainsi que le reste de la cargaison, seront regardés comme libres, et ne pourront en aucune manière être viciés par les marchandises de contrebande, soit qu'ils appartiennent à un même ou à differens propriétaires.

ART. 14. Il est stipulé par le present traité que les bâtimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront à bord des navires appartenant aux citoyens d'une des parties contractantes, quand même le chargement ou partie d'icelui appartiendrait aux ennemis de l'une des deux; bien entendu néanmoins que la contrebande sera toujours excepte. Il est également convenu que cette même liberté s'étendra aux personnes qui pourraient se trouver à bord du bâtiment libre, quand même elles seraient ennemies de l'une des deux parties contractantes, et elles ne pourront être énlevées des dits navires libres, a moins qu'elles ne soyent militaires et actuellement au service de l'ennemi.

ART. 15. On est convenu, au contraire, que tout ce qui se trouvera chargé par les citoyens respectifs, sur des navires appartenant aux ennemis de l'autre partie ou à leurs sujets, sera confisqué, sans distinction des marchandises prohibées ou non prohibées, ainsi, et de même que si elles appartenaient à l'ennemi, à l'exception toute fois des effets et marchandises qui auront été mis à bord des dits navires avant la déclaration de guerre, ou même après la dite déclaration, si, au moment du chargement, on a pu l'ignorer; de manière que les marchandises des citoyens des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, lesquelles, comme il vient d'être dit, auront été mises à bord d'un vaisseau appartenant á l'ennemi avant la guerre, ou même après la dite déclaration lorsqu'on l'ignorait, ne seront, en aucune manière, sujettes à confiscation, mais seront fidèlement et de bonne foi rendues, sans délai, à leurs propriétaires qui les reclameront; bien entendu néanmoins qu'il ne soit pas permis de porter

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longing to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective citizens, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

Merchant vessels to exhibit their passports and certificates.

ART. 16. The merchant ships belonging to the citizens of either of the contracting parties, which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage, and the articles of their cargo, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contraband in the thirteenth article of the present convention.

In time of war, merchant ships to be furnished between one of the parties, and a third power, with passports, and certificates.

ART. 17. And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed, that when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party shall be furnished with passports similar to that described in the fourth article, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year, that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided not only with the passports above mentioned, but also with certificates similar to those described in the same article, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates, that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conveniently be received on board the ship of war or privateer, in which case the ship may be carried into port, for the delivery of the same.

Merchantmen, delivering their contraband articles up, allowed to pursue their voyages.

The want of a passport if there be other proofs,

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be

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dans les ports ennemis les marchandises qui seront de contrebande. Les deux parties contractantes conviennent que la terme de deux mois passé depuis la déclaration de guerre, leur citoyens respectifs de quelque partie du monde qu'ils viennent, ne pourront plus alléguer l'ignorance dont il est question dans le présent article. 1800. September 30.

Art. 16. Les navires marchands appartenant à des citoyens de l'une ou l'autre des deux parties contractantes, lorsqu'ils voudront passer dans le port de l'ennemi de l'une des deux parties, et que leur voyage ainsi que les effets de leur cargaison pourront donner de justes soupçons, les dits navires seront obligés d'exhiber en pleine mer, comme dans les ports ou rades, non seulement leurs passeports, mais encore leurs certificats prouvant que ces effets ne sont point de la même espèce que ceux de contrebande specifiés dans l'article treize de la présente convention.

Art. 17. Et afin d'éviter des captures sur des soupçons frivoles, et de prévenir les dommages qui en résultent, il est convenu que, quand une des deux parties sera en guerre et l'autre neutre, les navires de la partie neutre seront pourvus de passeports semblables à ceux spécifiés dans l'article quatre, de manière qu'il puisse par là apparaître que les navires appartiennent véritablement à la partie neutre. Ces passeports seront valides pour un nombre quelconque de voyages; mais il seront renouvellés chaque année, si le navire retourne chez lui dans l'espace d'une année. Si ces navires sont chargés, ils seront pourvus non seulement des passeports susmentionnés mais aussi de certificats semblables á ceux mentionnés au même article, de maniére que l'on puisse connaître s'il y à bord des marchandises de contrebande. Il ne sera exigé aucune autre pièce, non obstant tous usages et réglemens contraires; et s'il n'apparait pas par ces certificats qu'il y ait des marchandises de contrebande á bord, les navires seront laisses à leur destination. Si, au contraire, il apparait, par ces certificats, que les dits navires ayent des marchandises de contrebande á bord, et que le commandant offre de les delivrer, l'offre sera acceptée, et le navire sera remis en liberté de poursuivre son voyage; à moins que la quantité de marchandises de contrebande ne soit trop grande pour pouvoir être prise convenablement à bord du vaisseau de guerre ou corsaire; dans ce cas le navire pourra être amené dans le port pour y délivrer la dite marchandise.

Si un navire est trouvé sans avoir le passeport ou les certificats ci-dessus exigés, l'affaire sera examinée par les juges ou tribunaux compétens; et s'il conste par d'autres documens ou

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examined by a proper judge or tribunal, and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo (contraband goods excepted) and be permitted to proceed on her voyage.

not to authorise condemnation.

The death of the master, not to affect ship or cargo.

If the master of a ship, named in the passport, should happen to die or be removed by any other cause, and another put in his place, the ship and cargo shall nevertheless be equally secure, and the passport remain in full force.

Ships examined under the right of search, to be visited in boats, the armed ship remainingout of cannon shot and be boarded by two or three hands only.

ART. 18. If the ships of the citizens of either of the parties shall be met with, either sailing along the coasts, or on the high seas, by any ship of war or privateer of the other; for the avoiding of any disorder, the said ships of war or privateers shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of the two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship, made out according to the form prescribed in the fourth article. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

The neutral party not to be compelled to go board such armed vessel.

Merchantmen, under convoy, not to be visited.

ART. 19. It is expressly agreed by the contracting parties, that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applied only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regard due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy, that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient: the two parties reciprocally engaging not to admit under the protection of their convoys, ships which shall carry contraband goods destined to an enemy.

The verbal declaration of the commander of the convoy to be deemed satisfactory.

Receipts to be given for the papers of a captured vessel.

ART. 20. In all cases where vessels shall be captured or or detained, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be

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preuves admissibles par l'usage des nations, que le navire appartient à des citoyens de la partie neutre, il ne sera pas condamné, et il sera remis en liberté avec son chargement, la contrebande exceptée, et aura la liberté de poursuivre sa route. 1800. September 30.

Si le captaine nommé dans le passeport du navire venait à mourir, ou à être ôté par toute autre cause, et qu'un autre fut nommé à sa place, le navire et sa cargaison n'en seront pas moins en sûreté, et le passeport demeurera dans toute sa force.

Art. 18. Si les bâtimens des citoyens de l'une ou l'autre nation sont rencontrés le long des côtes, ou en pleins mer, par quelques vaisseaux de guerre ou corsaires de l'autre; pour prévenir tout désordre, les dits vaisseaux ou corsaires se tiendront hors de la portée du canon et enverront leur canot àbord du navire marchand qu'ils auront rencontré: ils n'y pourront entrer qu'au nombre de deux ou trois hommes, et demander au patron ou capitaine du dit navire, exhibition du passeport concernant la propriété du dit navire, fait d'après la formule prescrite dans l'articles quatre, ainsi que les certificats susmentionnés relatifs à la cargaison. Il est expressément convenu que le neutre ne pourra être contraint d'aller a bord du vaisseau visitant pour y faire l'exhibition demandée des papiers ou pour toute autre information quelconque.

Art. 19. Il est expressément convenu par les parties contractantes, que les stipulations cidessus, relatives à la conduite qui sera tenue à la mer par les croiseurs de la parties belligérante, envers les bâtimens de la partie neutre, ne s'appliqueront qu'aux bâtiments navigant sans convoi: et dans le cas où les dits bâtiments seraient convoyés, l'intention des parties étant d'observer tous les égards dus à la protection du pavillon arborè sur les vaisseaux publics, on ne pourra point en faire la visite. Mais la déclaration verbale du commandant de l'escorte. que les navires de son convoi appartiennent à la nation dont ils portent le pavillon, et qu'ils n'ont aucune contrebande à bord, sera regardée par les croiseurs respectifs comme pleinement suffisante; les deux parties s'engageant réciproquement à ne point admettre sous la protection de leur convoi, des bâtiments qui porteraient des marchandises prohibée à une destination ennemie.

Art. 20. Dans le cas où les bâtiments serant pris ou arrêtés, sous prétexte de porter à l'ennemi quelqu' article de contrebande, le capteur donnera un reçu des papiers du bâtiment qu'il retiendra, lequel reçu sera joint à une liste énonciative

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annexed to a descriptive list of the said papers: and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels, found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the said goods. Nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless there shall have been lawful process, and the competent judge or judges, shall have pronounced against such goods sentence of confiscation, saving always the ship and the other goods which it contains.

Hatches, &c. not to be broken up or opened, at sea.

The master, or supercargo, of a captured vessel, not to be removed.

ART. 21. And that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed, that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, either during the time the ship may be at sea after her capture, or pending the proceedings against her, or her cargo, or any thing relative thereto. And in all cases where a vessel of the citizens of either party shall be captured, or seized, and held for adjudication, her officers, passengers, and crew, shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate, five hundred dollars each, and for the sailors and passengers, one hundred dollars each.

Crew and passengers to be kindly treated

Prizes to be condemned only by established courts.

ART. 22. It is further agreed, that in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel, without any delay, he paying the legal fees for the same.

The reasons for condemnation to be stated.

Damages done by ships of war, to be satisfied.

ART. 23. And that more abundant care may be taken for the security of the respective citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war andprivateers, and all others the said citizens, shall forbear doing any damage to those of the other party or committing

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des dits papiers: il ne sera point permis de forcer ni d'ouvrir les écoutilles, coffres, caisses, caissons, balles, ou vases trouvés à bord du dit navire, ni d'enlever la moindre chose des effets, avant que la cargaison ait été débarquée en présence des officiers compétens, qui feront un inventaire des dits effets; ils ne pourront, en aucune manière, être vendus, échangés ou aliénés, a moins qu'aprés une procédure légale, le juge ou les juges compétens n'ayent porté contre les dits effets sentence de confiscation (*en exceptant toujours le navire et les autres objets qu'il contient.*) 1800. September 30.

ART. 21. Pour que le bâtiment et la cargaison soyent surveillés avec soin, et pour empêcher les dégâts, il est arrêté que le patron, capitaine ou subré-cargue du navire *capturé*, ne pourront être éloignés du bord, soit pendant que le navire sera en mer après avoir été pris soit pendant les procédures qui pourront avoir lieu contre lui, sa cargaison ou quelque chose y relative.

Dans le cas où le navire appartenant à des citoyens de l'une ou de l'autre partie serait pris, saisi et retenu pour être jugé, ses officiers, passagers et équipage seront traités avec humanité; ils ne pourront être emprisonnés, ni dépouillés de leurs vêtemens, ni de l'argent à leur usage, qui ne pourra excéder, pour le capitaine, le subré cargue, et le second, cinq cents dollars chacun; et pour les matelots et passagers, cent dollars chacun.

ART. 22. Il est de plus convenu que dans tous les cas, les tribunaux établis pour les causes de prises dans les pays où les prises seront conduites, pourront seuls en prendre connaissance; et quelques jugement que le tribunal de l'une ou de l'autre partie prononce contre quelques navires ou marchandises ou propriétés réclamées par des citoyens de l'autre partie, le sentence ou décret fera mention des raisons ou motifs qui ont déterminé ce jugement, dont copie authentique, ainsi que de toute la procédure y relative, sera, à leur réquisition, delivrée, sans délai, au capitaine ou agent du dit navire, moyennant le payment des frais.

ART. 23. Et afin de pourvoir plus efficacement à la sûreté respective des citoyens des deux parties contractantes, et prévenir les torts qu'ils auraient à craindre des vaisseaux de guerre ou corsaires, de l'une ou l'autre partie, tous commandans des vaisseaux de guerre et de corsaires, et tous autres citoyens de l'une des deux parties, s'absteindront de tout dom-

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any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages and the interest thereof, of whatever nature the said damages may be.

Offenders in this respect to be personally liable.

Commandersof privateers obligated to give security.

For this cause all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars or thirty six thousand eight hundred and twenty francs, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars or seventy three thousand six hundred and forty francs, to satisfy all damages and injuries, which the said privateer, or her officers, or men, or any of them, may do or commit during their cruise, contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commission shall be revoked and annulled.

Amount of the security for the good behaviour of commanders of privateers.

Armed vessels, and their prizes not to pay duty, nor be examined.

ART. 24. When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. It is always understood that the stipulations of this article shall not extend beyond the privileges of the most favored nation.

Privateers of a third power, at enmity with one of the parties, not to fit their ships in the harbours of either party.

ART. 25. It shall not be lawful for any foreign privateers who have commissions from any prince or state, in enmity with either nation, to fit their ships in the ports of either nation, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary for their going to the next port of that prince or state, from which they have received their commissions.

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mage envers les citoyens de l'autre et de toute insulte envers leurs personnes. S'ils faisient le contraire, ils seront punis, et tenus à donner, dans leurs personnes et propriétés, satisfaction et réparation pour les dommages, avec intérêt, de quelque espèce que soyent les dits dommages. 1800. September 30.

A cet effet, tous capitaines de corsaires, avant de recevoir leurs commissions, s'obligeront, devant un juge compétent, à donner une garantie au moins par deux cautions responsables, lesquelles n'auront aucun intérêt sur le dit corsaire, et dont chacune, ainsi que le capitaine, s'engagera particulièrement et solidairement pour la somme de sept mille dollars ou trente six mille huit cent vingt francs; et si les dits vaisseaux portent plus de cent cinquante matelots ou soldats, pour la somme de quatorze mille dollars ou soixante treize mille six cent quarante francs, qui serviront à reparer les torts ou dommages que les dits corsaires, leurs officiers, équipages ou quelqu'un d'eux auraient fait ou commis pendant leur croisière, de contraire aux dispositions de la présente convention, ou aux lois et instructions qui devront être la règle de leur conduite: en outre, les dites commissions seront révoquées et annullées dans tous les cas où il y aura en aggression.

Art. 24. Lorsque les vaisseaux de guerre des deux parties contractantes, ou ceux que leur citoyens auraient armés en guerre, seront admis à relacher, avec leurs prises, dans les ports de l'une des deux parties, les dits vaisseaux publics ou particuliers, de même que leurs prises, ne seront obligés à payer aucun droit, soit aux officiers de lieu, soit aux juges ou à tous autres: les dites prises entrant dans les hâvres ou ports de l'une des deux parties, ne pourront être arrêtées ou saisies, et les officiers des lieux ne pourront pendre connaissance de la validité des dites prises, lesquelles pourront sortir et être conduites en toute franchise et liberté aux lieux portés par les commissions dont les capitaines de dits vaisseaux seront obligées de faire apparoir. Il est toujours entendu que les stipulations de cet article ne s'étendront pas au delà des priviléges des nations les plus favorisées.

Art. 25. Tous corsaires étrangers ayant des commissions d'un état ou prince en guerre avec l'une ou l'autre nation, ne pourront armer leur vaisseaux dans les ports de l'une ou l'autre nation, non plus qu'y vendre leurs prises, ni les échanger en aucune manière: il ne leur sera permis d'acheter des provisions que la quantité nécessaire pour gagner le port le plus voisin de l'état ou prince duquel ils ont reçu leurs commission.

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Pirates not to be received in the ports of either party.

ART. 26. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

Vessels, effects, &c. piratically obtained, to be seized, and restored to the right owners.

And all their ships, with the goods and merchandises, taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners or their factors, or agents duly authorised by them; (proper evidence being first given before competent judges for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe, or suspect that they had been piratically taken.

Neither party to interfere in the fisheries of the other.

ART. 27. Neither party will intermeddle in the fisheries of the other on its coasts, nor disturb the other in the exercise of the rights which it now holds or may acquire on the coast of Newfoundland, in the gulph of St. Lawrence, or elsewhere, on the American coast, northward of the United States. But the whale and seal fisheries shall be free to both in every quarter of the world.

Ratifications to be exchanged in six months.

This convention shall be ratified on both sides in due form, and the ratifications exchanged in the space of six months, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the above articles both in the French and English languages, and they have thereto affixed their seals: declaring, nevertheless, that the signing in the two languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done at Paris, the eighth day of Vendemaire, of the ninth year of the French republic, the thirtieth day of September anno domini eighteen hundred.

J. BONAPARTE,
C. P. C. FLEURIEU,
ROEDERER,
O. ELLSWORTH,
W. R. DAVIE,
W. V. MURRAY.

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ART. 26. Il est de plus convenu qu'aucune des deux parties contractantes non seulement ne recevra point de pirates dans ses ports, rades ou villes, et ne permettra pas qu'aucun de ses habitans les reçoive, protège, accueille ou recèle en aucune manière, mais encore livrera à un juste châtiment ceux de ces habitans qui seraient coupables de pareils faits ou délits. Les vaisseaux de ces pirates, ainsi que les effets et marchandises par eux pris et amenés dans les ports de l'une ou l'autre nation, seront saisis par tout où ils seront découverts et restitués à leurs propriétaires, agens ou facteurs duement autorisés par eux, après toutefois qu'ils auront prouvé devant les juges competens le droite de propriété.

Que si les dits effets avaient passé, par vente, en d'autres mains, et que les acquereurs fussent ou pussent être instruits ou soupçonnaient que les dits effets avaient été enlevés par des pirates, ils seront également restitués.

ART. 27. Aucune des deux nations ne viendra participer aux pêcheries de l'autre sur ces côtes, ni la troubler dans l'exercice des droits qu'elle a maintenant ou pourrait acquérir sur les côtes de Terreneuve, dans le golf de St. Laurent, ou par tout ailleurs, sur les côtes d'Amérique au nord des Etats Unis, mais la pêche de la baleine et du veau marin sera libre pour les deux nations dans toutes les parties du monde. Cette convention sera ratifée de part et d'autre en bonne et due forme et les ratifications seront échangées dans l'espace de six mois, ou plutôt, s'il est possible.

En foi de quoi les plénipotentiaires respectifs ont signé les articles ci-dessus, tant en langue Française, qu'en langue Anglaise, et ils y ont apposé leurs sceau, déclarant neanmoins que la signature en deux langues ne sera point citée comme exemple, et ne préjudiciera, à aucune des deux parties

Fait à Paris, huitième jour de Vendémiarie, de l'an neuf de la république Française, et le trentième jour de Septembre mil huit cent.

J. BONAPARTE,
C. P. C. FLEURIEU,
ROEDERER,
O. ELLSWORTH,
W. R. DAVIE,
W. V. MURRAY.

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1800. September 30.

And whereas the senate of the United States did, by their resolution, on the third day of this present month of February, two thirds of the senators then present concurring, consent to and advise the ratification of the said convention: provided the second article* be expunged, and that the following article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

[*See page 84.]

Limitation of this convention to eight years.

Provisional ratification by the United States.

Now therefore, I, John Adams, president of the United States of America, having seen and considered the convention and additional article above recited, do, in pursuance of the aforesaid advice and consent of the senate of the said United States, by these presents accept, ratify, and confirm the said convention and additional article, and every clause and article thereof, as the same are herein before set forth, saving and excepting the second article of the said convention, which I hereby declare to be expunged and of no force or validity: and I do moreover hereby declare, that the said convention, saving the second article as aforesaid, and the said additional article form together one instrument, and are a convention between the United States of America and the French republic, made by the president of the United States, by and with the advice and consent of the senate thereof.

In testimony whereof, I have caused the seal of the [L. S.] United States of America to be hereto affixed.

Given under my hand at the city of Washington this 18th day of February, in the year of our Lord one thousand eight hundred and one, and of the Independence of the said states the twenty-fifth.

JOHN ADAMS.

By the president,

JOHN MARSHALL,
Acting as secretary of state.

And whereas the said convention was, on the other part, ratified and confirmed by the first consul of France in the form of which the following is a translation from the French language, to wit:

Bonaparte, first consul, in the name of the French people the consul of the republic, having seen and examined the convention concluded, agreed to, and signed at Paris, the 8th Vendemiaire, 9th year of the French republic, (30th September,

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1800.) by the citizens Joseph Bonaparte, Fleurieu, and Roederer, counsellors of state, in virtue of the full powers which have been given to them to this effect, with Messieurs Ellsworth, Davie, and Murray, ministers plenipotentiary of the United States, equally furnished with full powers, the tenor of which convention follows:

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Approves the above convention in all and each of the articles which are therein contained; declares that it is accepted, ratified, and confirmed, and promises that it shall be inviolably observed.

Approuve la convention ci dessus en tous chacun des articles qui y sont contenus; déclare qu'elle est acceptée ratifiée et confirmée, et promet qu'elle sera inviolablement observée.

Ratification on the part of the French government according to the amendments proposed by the U. States senate.

The government of the United States having added to its ratification, that the convention should be in force for the space of eight years, and having omitted the second article, the government of the French republic consents to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: provided that by this retrenchment the two states renounce the respective pretensions which are the object of the said article.

Le gouvernement des Etats Unis ayant ajouté dans sa ratification que la convention sera en vigueur l'espace de huit anneés, et ayant omis l'article second, le gouvernement de la république Française consent à accépter, ratifier et confirmer la convention ci-dessus, avec l'addition portant que la convention sera en vigueur pendant l'espace de huit années, et avec le retranchement de l'article second: bien entendu que par ce retranchement les deux états renoncent aux prétentions respectives qui sont l'objet du dit article.

In faith whereof these presents are given. Signed, countersigned, and sealed with the great seal of the republic, at Paris, the twelfth Thermidor, ninth year of the republic, (31st July, 1801.)

En foi de quoi sont données les présentes, signées, contresignées, et scellées du grand sceau de la république.

A Paris, *le douze Thermidor, an neuf de la république*, (trente-un Juillet, mil huit cent un.)

BONAPARTE.

The minister of exterior relations,
CH. MAU. TALLEYRAND.

By the first consul:
The secretary of state,
HUGUES B. MARET.

BONAPARTE.

Le ministre des relations exterieures;
CH. MAU. TALLEYRAND.

Par le premier consul:
Le secretaire d'etat,
HUGUES B. MARET.

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1800. September 30. La présente convention a été échangée par les ministres soussignés, munis de pleinspouvoirs à cet effet, à Paris, ce douze. Thermidor, an neuf (trente et un Juillet, mille huit cent un.)

W. V. MURRAY,
JOSEPH BONAPARTE,
C. P. CLARET FLEURIEU,
P. L. ROEDERER.

Final ratification, on the part of the U. States. Which ratifications were duly exchanged at Paris, on the 31st day of July, in the present year, and having been so exchanged were again submitted to the senate of the United States, who on the 19th day of thc present month, resolved that they considered the said convention as fully ratified, and returned the same to the president for the usual promulgation. Now, therefore, to the end that the said convention may be observed and performed with good faith on the part of thc United States, I have caused the premises to be made public, and I do hereby enjoin and require all persons bearing office,, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said convention and every clause and article thereof.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the twenty-first day of December, in the year of our Lord one thousand eight hundred and one, and of the sovereignty and independence of the United States the twenty-sixth.

TH: JEFFERSON.

By the president,

JAMES MADISON,
Secretary of State

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No. 6.—*Treaty between the United States of America and the French Republic.*

1803. April 30.

The president of the Uuited States of America, and the first consul of the French republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendemiaire, an 9 (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid the 27th October, 1795, between his catholic majesty and the said United States, and willing to strenghten the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their plenipotentiaries, to wit, the president of the United States of America, by and with the advice and consent of the senate of the said states, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said states, near the government of the French republic; and the first consul, in the name of the French people, the French citizen Barbé Marbois, minister

Le premier consul de la republique Française, au nom du peuple Français, et le president des Etats Unis d'Amérique, désirant prevenir tout sujet de mesintelligence relativement aux objets de discussion mentionnés dans les articles 2 et 5 de la convention du 8 Vendémiaire, an 9, (30 Septembre 1800,) et relativement aux droits reclamés par les Etats Unis en vertu du traité conclu à Madrid le 27 Octobre, 1793, entre S. M. Catholique et les dits Etats Unis: et voulant fortifier de plus en plus les rapports d'union et d'amitié qui à l'epoque de la dite convention, ont éte heureusement rétablis entre les deux états, ont respectivement nommé pour plénipotentiaries, savoir: le premier consul au nom du peuple Français, le citoyen françois Barbé Marbois, ministre du trésor public; et le président des Etats Unis d'Amérique, par et avec l'avis et le consentement du sénat desdits états, Robert R. Livingston, ministre plenipotentiare des Etats Unis, et James Monroe, ministre plenipotentiare et envoyé extraordinaire des dits états, auprès du gouvernement de la republique Française: Lesquels après avoir fait l'éxchange

Desire of the parties to remove all source of misunderstanding in relation to the construction of the treaty of Madrid, of the 27th of October 1795, &c.

And, also, to strengthen the friendship and union between the two nations.

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1803. April 30.

of the public treasury, who, after having respectively exchanged their full powers, have agreed to the following articles:

Retrocession of Louisiana, by Spain to France stated.

ART. 1. Whereas, by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendemiaire, an 9, (1st October, 1800,) between the first consul of the French republic and his catholic majesty, it was agreed as follows: "His catholic majesty promises and engages on his part, to retrocede to the French republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states." *And whereas*, in pursuance of the treaty, and particularly of the third article, the French republic has an incontestible title to the domain and to the possession of the said territory: The first consul of the French republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner, as they have been acquired by the French republic: in virtue of the abovementioned treaty, concluded with his catholic majesty.

Consideration of the retrocession.

Title of France incontestible.

Cession from France to the United States.

ART. 2 In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices, which are not private property. The archives, papers, and documents, relative to the domain and soyereignty of Louisiana, and its dependencies, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers, of such of the said papers and documents as may be neccessary to them.

What is includ. ed in the cession by the preceding article.

ART. 3. The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States: and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Inhabitants of Louisiana to be incorporated in the union, upon the principles of the federal constitution.

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de leurs pleinspouvoirs sont convenus des articles suivants: 1803 April 30.

Art. 1. Attendu que par l'article 3 du traité conclu à St. Ildephonse le 9 Vendémiarie an 9, (1r. Octobre, 1800,) entre le premier consul de la république Française et sa majesté catholique, il a été convenu ce qui suit: "Sa majesté catholique promet et s'engage de son côte, à rétrocéder a la république Française, six mois après l'éxécution pleine et entière des conditions et stipulations ci-dessus, relatives à son altesse royale le duc de Parme, colonie ou province de la Louisiane, avec la même ètendue qu'elle a actuellement entre les mains de l'Espagne, et qu'elle avait lorsque la France la possédait, et telle qu'elle doit être d'aprés les traités passés subséquemment entre l'Espagne et d'autres états.

Et comme par suite du dit traité, et spécialemeut du dit article 3, la république Française a un titre incontestable au domain et à la possession du dit territoire, le premier consul de la république désirant de donner un témoignage remarquable de son amitié aux dits Etats Unis, il leur fait, au nom de la république Française, cession à toujours et en pleine souveraineté, du dit territoire, avec tous ses droits et appurtenances, ainsi et de la manière qu'ils ont été acqus par la république Française, en vertu du traité susdit, conclu avec sa majesté catholique.

Art. 2. Dans la cession faite par l'article précédent, sont compris les isles adjacentes dépendantes de la Louisiane, les emplacemens et places publiques, les terreins vacans, tous les bâtimens publics, fortifications, cazernes et autres édifices qui ne sont la propriété d'aucun individu. Les archives, papiers, et documens directement relatif au domaine et à la soveraineté de la Louisiane et dèpendances, seront laisses en la possession des commissaires des Etats Unis, et il sera, ensuite, remis des expéditions en bonne forme aux magistrats et administrateurs locaux, de ceux des dits papiers et documens qui leur seront nécessaires.

Art. 3. Les habitans des territoires cédés seront incorporés dans l'union des Etats Unis, et admis, assitôt qu'il sera possible, d'après les principes de la constitution fédérale, à la jouissance de tous les droits, avantages et immunités des citoyens des Etats Unis, et en attendant, ils seront maintenus et protégés dans le jouissance de leurs libertés, propriétés, et dans l'exercice des religions qu'ils professent.

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A commissary to be sent from France to receive Louisiana and its dependencies from the Spanish officers and pass it over to the U. States.

ART. 4. There shall be sent by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well as to receive from the officers of his catholic majesty the said country and its dependencies, in the name of the French republic, if it has not been already done, as to transmit in the name of the French republic to the commissary or agent of the United States.

Period of surrendering the military posts, &c. to the U. States.

ART. 5. Immediately after the ratification of the present treaty by the president of the United States, and in case that of the first consul shall have been previously obtained, the commissary of the French republic shall remit all the military posts of New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the president to take possession, the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

The U. States to fulfil the treaties of Spain with the Indians

ART. 6. The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

French and Spanish vessels laden with the productions of their respective nations, and entering ports of Louisiana, entitled to the same privileges for twelve years, as vessels of the United States, coming directly from France or Spain, entering the same ports.

ART. 7. As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties, that the French ship coming directly from France or any of her colonies, loaded on with the produce or manufactures of France or her said colonie and the ships of Spain coming directly from Spain or any of h colonies, loaded only with the produce or manufactures Spain, or her colonies, shall be admitted during the space twelve years in the ports of New Orleans, and in all oth legal ports of entry within the ceded territory, in the san manner as the ships of the United States coming directly fro France or Spain, or any of their colonies, without being sub ject to any other or greater duty on merchandise, or other or greater tonnage than those paid by the citizens of the United States.

Other nations not entitled to the same privi-

During the space and time abovementioned, no other nation shall have a right to the same privileges in the ports of the ceded

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ART. 4. Il sera envoyé de la part du gouvernement Français un commissaire à la Louisiane, à l'effet de faire tous les actes nécessaires, tant pour recevoir des officiers de sa majesté catholique, les dits pays, contrées et dépendances, au nom de la république Française, si la chose n'est pas encore faite, que pour les transmettre, au dit nom, aux commissaires ou agens des Etats Unis.

ART. 5. Immédiatement après la ratification du present traité par le président des Etats Unis, et dans le cas où celle du premier consul aurait eu préalablement lieu, le commissaire de la république Française remettra tous les postes militaires de la Nouvelle Orléans, et autre parties du territoire cedé, au commissaire ou aux commissaires nommés par le président, pour la prise de possession. Les troupes Françaises ou Espagnoles qui s'y trouveront, cesseront d'occuper les postes militaires du moment de la prise de possession, et seront embarquées aussitôt que faire se pourra, dans le courant des trois mois qui suivront la ratification du traité.

ART. 6. Les Etats Unis promettent d'exécuter les traités et articles qui pourraient avoir été convenus entre l'Espagne et les tribus et nations Indigènes, jusqu'à ce que, du consentement mutuel des Etats Unis d'une part, et des Indigènes, de l'autre, il y ait été substitué tels autres articles qui seront jugés convenables.

ART. 7. Comme il est réciproquement avantageux au commerce de la France et des Etats Unis, d'encourager la communication des deux peuples, pour un tems limité dans les contrées dont il est fait cession, par le présent traité, jusqu'à ce que des arrangemens généraux relatifs au commerce des deux nations, puissent être convenus, il à été arrêté entre les parties contractantes, que les navires Français, venant directement de France ou d'aucune de ses colonies, uniquement chargés des produits des manufactures de la France et de ses colonies et les navires Espagnoles venant directement des ports d'Espagne, uniquement chargées des produits des manufactures de l'Espagne et de ses dites colonies, seront admis, pendant l'espace de douze années, dans le port de la Nouvelle Orléans, et dans tous les autres ports légalement ouverts en quelque lieu que ce soit des territoires cédés; ainsi et de la manière que les navires des Etats Unis, venant de France et d'autres ou plus grand droits sur les marchandises, ou d'autres ou plus grands droits du tonnage, que ceux qui sont payés par les citoyens des Etats Unis. Pendant l'espace de tems ci-dessus mentionné, aucune nation n'aura droit aux mêmes privileges dans les ports du territoire cédé.

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territory: the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French Government, if it shall take place in the United States; it is, however, well understood, that the object of the above article is to favour the manufactures, commerce, freight, and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandise of the United States, or any right they may have to make such regulations.

leges during the said period of twelve years. Object of this indulgence to the Spanish and French vessels.

After the expiration of twelve years, the vessels of France to be placed on the footing of the most favored nations.

ART. 8. In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favored nations in the ports bove mentioned.

A particular convention providing for the payment of debts due to U. States citizens, to be ratified herewith

ART. 9. The particular convention signed ths day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic, prior to the 30th of September, 1800, (8th Vendemiaire, 9,) is apprcved, and to have its execution in the same manner as if it had been inserted in the present treaty, and it shall be ratified in the same form and in the same time, so that one shall not he ratified distinct from the other.

Another convention, relative to a definitive rule between the parties, to be ratified at the same time.

Another particular convention, signed at the same date as the present treaty, relative to a definitive rule between the contracting parties, is in the like manner approved, and will be ratified in the same form, and in the same time and jointly.

Ratifications to be exchanged in six months.

ART. 10. The present treaty shall be ratified in good and due form, and the ratification shall be exchanged in the space of six months after the date of the signature by the ministers plenipotentiary, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed these articles in the French and English languages, declaring, nevertheless, that the present treaty was originally agreed to in the French language; and have thereunto put their seals.

Done at Paris, the tenth day of Floreal, in the eleventh year of the French republic, and the 30th April, 1803.

ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE, [L. S.]
BARBE MARBOIS. [L. S.]

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Les douze années commenceront trois mois après l'echange des ratifications, si il a lieu en France, ou trois mois après qu'il aura été notifié à Paris au gouvernement Français, s'il a lieu dans les Etats Unis.

Il est bien entendu que le but du présent articles est de favoriser les manufactures, le commerce à frêt et la navigation de France et de l'Espagne, en ce qui regarde les importations qui seront faites par les Français et par les Espagnols dans les dit ports des Etats Unis, sans qu'il soit rien innové aux règlemens concernant l'exportation des produits et marchandises des Etats Unis, et aux droits qu'ils ont de faire les dits règlemens.

ART. 8. A l'avenir et pour toujours après l'expiration des douze années susdites, les navires Français seront traités sur le pied de la nation la plus favorisée, dans le ports ci-dessus mentionnés.

ART. 9. La convention particulière signée aujourd'hui par les ministres respectifs ayant pour objet de pourvoir au payement des créances dues aux citoyens des Etats Unis par la république Française anterieurement au 8 Vendemiarie, an 9, (30 Septembre, 1800,) est approuvée pour avoir son éxécution de la même manière que si elle était inserée au présent traité, et elle sera ratifié en la même forme et en même tems en sorte que l'une ne puisse l'être sans l'autre.

Un autre acte particulier signé à la même date que le présent traité relatif à un règlement définitif entre les puissances contractantes, est pareillement approuvé et sera ratifié en la même forme, en même tems et conjointement.

ART. 10. Le présent traité sera ratifié en bonne et due forme et le ratifications seront échangées dans l'espace de six mois après la date de la signature de plénipotentiaries, ou plutôt s'il est possible.

En foi de quoi, les plénipotentiaries respectifs ont signé les articles ci-dessus tant en langue Française qu'en langue Anglaise, déclarant néanmoins que le présent traité a été originairement redigé et arrêté en langue Française, et ils y ont apposé leur sceau.

Fait à Paris, le dixième jour de Floréal, de l'an onze de la république Française, et le trente Avril, 1803.

BARBE MARBOIS, [L. S.]
ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE. [L. S.]

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No. 7.—Convention between the United States of America, and the French Republic.

Definitive regulations relative to the cession of Louisiana.

The president of the United States of America and the first consul of the French republic, in the name of the French people, in consequence of the treaty of cession of Louisiana, which has been signed this day, wishing to regulate definitively every thing which has relation to the said cession, have authorised to this effect the plenipotentiaries, that is to say: the president of the United States has, by and with the advice and consent of the senate of the said States, nominated for their plenipotentiaries, Robert R. Livingston, minister plenipotentiary and envoy extraordinary of the said United States, near the government of the French Republic; and the first consul of the French Republic in the name of the French people, has named as plenipotentiary of the said republic, the French citizen Barbé Marbois: who, in virtue of their full powers which have been exchanged this day, have agreed to the following articles:

The U. States engages to pay sixty millions of francs to France and to satisfy certain debts to their citizens.

ART. 1. The government of the United States engages to pay to the French government, in the manner specified in the following article, the sum of sixty millions of francs, independent of the sum which shall be fixed by another convention for the payment of the debts due by France to citizens of the United States.

A stock of $11,250,000 to be created, with an interest of 6 per cent. payable in London, Amsterdam, or Paris.

ART. 2. For the payment of the sum of sixty millions of francs, mentioned in the preceding article, the United States shall create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half yearly in London, Amsterdam or Paris, amounting by the half year to three hundred and thirty-seven thousand five hundred dollars, according to the proportions which shall be determined by the French government to be paid at either place: the principal of the said stock to be reimbursed at the Treasury, of the United States, in annual payments of not less than three millions of dollars each; of which the first payment shall commence fifteen years after the date of the exchange of ratifications: this stock shall be transferred to the government of France, or to such person or persons as shall be authorised to receive it; in three months at most after the exchange of the ratifications of this treaty, and after Louisiana shall be taken possession of in the name of the government of the United States.

The principal to be reimbursed at the treasury of the United States, in annual payments of not less than 3,000, 000; the first payment to be made 15 years after the exchange of ratifications.

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Convention entre les Etats Unis d'Amérique, et la République Française.

Le président des Etats Unis d'Amérique, et le premier consul de la république Français, au nom du peuple Français, par suite du Traité de cession de la Louisiane, qui à été signé aujourd'hui, et voulant régler définitivement tout ce qui est relatif à cette affaire, ont autorisé à cet effet, des plénipotentiaires, savoir: le président des Etats Unis, par et avec l'avis et le consentement du senat des dits états, a nommé pour leurs plénipotentiaries Robert R Livingston, ministre plénipotentiaire des Etats Unis, et James Monroe, ministre plénipotentiarie et envoyé extraordinaire des Etats Unis auprès du gouvernement de la république Française, et le premier consul de la république Française, au nom du peuple Français, a nommé pour plénipotentiaire de la dite république, le citoyen françois Barbé Marbois; lesquels, en vertu de leurs pleinspouvoirs, dont l'échange a été fait aujourd'hui, sont convenus des articles suivans:

ART. 1. Le gouvernement des Etats Unis s'engager à payer au gouvernement Français, de la manière qui sera spécifié en l'article suivant, la somme de soixante millions de francs, indépendamment de ce qui sera fixé par une autre convention, pour le payment des sommes dues par la France à des citoyens des Etats Unis.

ART. 2. Le payement des soixante millions de francs mentionnés au précédent article, sera effectué par les Etats Unis, au moyen de la création d'un fonds de onze millions deux cent cinquante mille piastres, portant un intérêt de six pour cent par an, payable tous les six mois à Londres, à Amsterdom ou Paris, à raison de trois cent trente sept mille cinq cents piastres pour six mois, dans les trois places ci-dessus dites, suivant la proportion qui sera déterminée par le gouvernement Français. Le principal du dits fonds sera remboursé par le trésor des Etats Unis, par des payemens annuels, qui ne pourront être d'une somme moindre que trois millions de piastres par année, et dont le premier commencera quinze ans après la date de l'échange des ratifications. Ce fonds sera transféré au gouvernement de France, ou á telle personne, ou tel nombre de personnes qu'il chargera de le recevoir, dans les trois mois au plus tard après l'échange des ratifications de ce traité et après la prise de possession de la Louisiane, au nom du gouvernement des Etats Unis.

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It is further agreed, that if the French government should be desirous of disposing of the said stock to receive the capital in Europe, at shorter terms, that its measures for that purpose shall be taken so as to favor, in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

If the government of France be desirous of selling the stock in Europe, it engages to do it upon the best terms for U. S.

ART. 3. It is agreed that the dollar of the United States, specified in the present convention, shall be fixed at five francs $\frac{3333}{10000}$, five livres eight sous tournois.

The value of the dollars of the United States referred to fixed at 5 livres 8 sous tournois.

The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months, to date from this date, or sooner, if possible.

Ratifications to be exchanged in six months.

In faith of which, the respective plenipotentiaries have signed the above articles both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the 10th of Floreal, eleventh year of the French Republic, (30th April, 1803)

ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE, [L. S.]
BARBE MARBOIS. [L. S.]

No. 8.—*Convention between the United States of America and the French Republic.*

The president of the United States of America and the first consul of the French republic, in the name of the French people, having by treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the 8th Vendemiaire, ninth year of the French republic, (30th September, 1800,) to secure the payment of the sum due by France to the citizens of the United States, have respectively nominated as plenipotentiaries, that is to say: the president of the United States of America, by and with the advice and consent of their senate, Robert R. Livingston

Convention to secure the payment of the sum due by France to the U. States citizens.

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Il est en autre convenu que si le gouvernement Française était dans l'intention de disposer des dits fonds, et d'en toucher le capital en Europe, à des epoques rapprochées, les operations qui auront lieu seront conduites de la manière la plus favorable au crédit des Etats Unis et la plus propre à maintenir le prix avantageux du fonds qui être crée.

Art. 3. La piastre ayant cours de monnaie dans les Etats Unis, il est convenu que dans les comptes auxquels la présente convention donnera lieu, le rapport de la dite monnaie avec le franc, sera invariablement fixé à cinq francs $\frac{3333}{10000}$, ou cinq livres huit sols tournois.

La présente convention sera ratifié en bonne et due forme, et les ratifications seront échangées dans l'espace de six mois, à dater ce jour, ou plutôt s'il est possible.

En foi de quoi, les plenipotentiaires respectifs on signé les articles ci-dessus, tant en langue Française qu'en langue Anglaise, déclarant néanmoins, que le présent traité a été originairement redigé et arrêté en langue Française, et ils y ont apposé leurs sceaux.

Fait à Paris, dixième jour de Floréal, de l'an onze de la république Française; et le trente Avril, 1803.

BARBE MARBOIS, [L. S.]
ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE. [L. S.]

Convention entre la République Français et les Etats Unis d'Amérique.

Le premier consul de la République Française au nom du peuple Française, et le président des Etats Unis de l'Amérique, ayant par une traité en date ce jour, fait cesser toutes les difficultés relative à la Louisiane, et affermi sur des fondemens solides l'amitié qui unit les deux nations, et voulant en exécution des articles 2 et 5 de la convention du 8 Vendémiaire, an 9, (30 Septembre, 1800,) assurer le payement des sommes dues par la France aux citoyens des Etats Unis, ont respectivement nommé pour plénipotentiaires : savoir: le premier consul, au nom du peuple Française, le citoyen françois Barbé Marbois, ministre du trésor public, et le président des Etats Unis d'Amérique, par et avec l'avis et le consentement du sénat des dits états, Robert R. Livingston,

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minister plenipotentiary, and James Monroe, minister plenipotentiary and envoy extraordinary of the said states, near the government of the French republic; and the first consul, in the name of the French people, the French citizen Barbé Marbois, minister of the public treasury: who, after having exchanged their full powers, have agreed to the following articles:

Debts due from France to U. S. citizens, contracted prior to Sep. 30, 1800, to be paid according to fixed regulations.

ART. 1. The debts due by France to citizens of the United States, contracted before the 8th of Vendemiaire, ninth year of the French republic, (30th September, 1800,) shall be paid according to the following regulations, with interest at six per cent. to commence from the periods when the accounts and vouchers were presented to the French government.

Specification of debts to be provided for.

ART. 2. The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

Manner and time of paying the debts due to the citizens of the U. States.

ART. 3. The principal and interest of the said debts shall be discharged by the United States, by orders drawn by their minister plenipotentiary on their treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissioners of France to those of the United States.

Specification of debts comprehended by the preceding articles.

ART. 4. It is expressly agreed, that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, embargoes, and for prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention of the 8th Vendemiaire, ninth year, (30th September, 1800.)

Specification as to what cases the articles relative to the payment of debts due to the U. S. citizens are to apply.

ART. 5. The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the government of the French republic, and only in case of the insufficiency of the captors; 2nd, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemiaire, an 9, (30th September, 1800,) the payment of which has been heretofore claimed of the actual government of France, and for which the creditors have a right to the pro-

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ministre plénipotentiaire des Etats Unis, et James Monroe, ministre plénipotentiaire et envoyé extraordinaire des dits états, auprès du gouvernement de la république Française: lesquels, après avoir fait l'échange de leurs pleinspouvoirs, sont convenus des articles suivans:

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Art. 1. Les dettes dues par la France aux citoyens des Etats Unis, contractées avant le 8 Vendémiaire, an 9, (30 Septembre, 1800,) seront payées conformément aux dispositions suivantes, avec les intérêts à six pour cent, à compter de l'époque où la réclamation et les pièces à l'appui ont été remises au gouvernement Français.

Art. 2. Les dettes qui font l'object du présent article, sont celles dont le résultat par apperçu est compris dans la note annexée à la présente convention, et qui ne pourront, y compris les intérêts, excéder la somme de vingt millions.

Les réclamations comprises dans la dite note ne pourront néanmoins être admises qu'autant qu'elles ne seront pas frappées des exceptions mentionnées aux articles suivans.

Art. 3. Le principal et les intérêts seront acquittés par les Etats Unis d'Amérique sur des mandats tirés par le ministre plénipotentiaire des dits Etats Unis sur leur trésor. Ces mandats seront payables soixante jours après l'échange des ratifications du traité et des conventions signées ce jour, et après la remise qui doit être faite de la Louisiane par le commissaire Français aux commissaires des Etats Unis.

Art. 4. Il est expressément convenu que les articles précédens ne comprennent que les créances des citoyens des Etats Unis, ou de leurs représentans, qui ont été et sont encore créanciers de la France pour fournitures, embargos et prizes faites à la mer, et réclamées dans le temps nécessaire, et suivant les formes prescrites par la convention du 8 Vendémiaire, an 9, (30 Septembre, 1800.)

Art. 5. Les articles précédens ne seront appliqués, 1°. Qu'aux captures dont le conseil des prises aurait ordonné la restitution ou main levée, bein entendu que le réclamant ne pourra avoir recours sur les Etats Unis pour son payement que de la même manière qu'il l'aurait eu envers le gouvernement Français, et seulement en cas d'insuffisance de la part des capteurs: 2°. Qu'aux dettes mentionnées dans ce même article 5 de la convention, contractées avant le 8 Vendémiaire, an 9, (30 Septembre, 1800,) dont le payement a été ci-devant réclamé auprès du gouvernement actuel de France, et pour

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tection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed; it is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens, who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention; saving, however, to such persons their claims in like manner as if this treaty had not been made.

Ministers plenipotentiary of the U. States to appoint 3 commission'rs. to act provisionally.

Their powers.

ART. 6. And that the different questions which may arise under the preceding article may be fairly investigated, the ministers plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureau established for this purpose by the French republic, and to ascertain whether they belong to the classes designated by the present convention and the principles established in it; or if they are not in one of its exceptions, and on their certificate, declaring that the debt is due to an American citizen or his representative, and that it existed before the 8th Vendemiaire 9th year, (30th September, 1800,) the creditor shall be entitled to an order on the treasury of the United States, in the manner prescribed by the third article.

Commissioners to examine the claims prepared for verification, and to certify those which ought to be admitted.

ART. 7. The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present convention.

Also to examine and certify such unprepared claims as ought to be admitted.

ART. 8. The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgments ought to be admitted to liquidation.

Debts, with interest, to be paid at the U. States treasury.

ART. 9. In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged with interest, at six per cent. by the treasury of the United States.

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lesquelles le créancier a droit à la protection des Etats Unis. Le dit article 5 ne comprend point les prises dont la condamnation a été ou viendrait à être confirmée; l'intention expresse des parties contractantes est pareillement de ne point étendre le benefice de la présente convention aux réclamations des citoyens Américains, qui auraient établi des maisons de commerce en France, en Angleterre, ou dans des pays autres que les Etats Unis, en société avec des étrangers, et qui, par cette raison et la nature de leur commerce, doivent être regardés comme domiciliés dans les lieux où existent les dites maisons. Sont pareillement exceptés tous accords et pactes concernant des marchandises qui ne seraient pas la propriété des citoyens Américains. Il n'est d'ailleurs rien préjugé sur le fond des réclamations ainsi exceptées.

ART. 6. Afin que les différentes questions aux quelles l'article précédent pourra donner lieu, puissent être convenablement examinées, les ministres plénipotentiaires des Etats Unis nommeront trois personnes qui dès à présent et provisoirement, auront tout pouvoir d'examiner, sans déplacement de pièces tous les comptes des différéntes créances déjà liquidées par les bureaux établis à cet effet par la république Française, et de reconnaître si elles appartiennent aux classes désignées dans la présente convention, et aux principes qui y sont établis, ou si elles ne sont pas dans l'une des exceptions, et sur leur certificat portant que la créance est due à un citoyen Américain, ou à son représentant, et qu'elle existait avant le 8 Vendémiaire, an 9, (30 Septembre, 1800,) le créancier aura droit à un mandat sur le trésor des Etats Unis, expédié conformément à l'article 3.

ART. 7. Les mêmes agens pourront également, et dès à présent, prendre connaissance, sans déplacer, des piéces relatives aux réclamations dont le travail et la vérification sont préparés, et delivrer leurs certificats sur celles qui réuniront les caractères nécessaires pour l'admission, et qui ne seront pas comprises dans les exceptions exprimées par la présente convention.

ART. 8. A l'égard des autres réclamations dont les travaux n'ont pas encore été préparés, les mêmes agens en prendront aussi successivement connaissance, et déclareront par écrit celles qui leur paraîtront susceptibles d'être admises en liquidation.

ART. 9. A mesure que les créances mentionnées dans les dits articles auront été admises, elles seront acquittées avec les intérêts à six pour cent, par le trésor des Etats Unis.

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ART. 10. And that no debt which shall not have the qualifications above mentioned, and that no unjust or exorbitant demand may be admitted, the commercial agent of the United States at Paris, or such other agent as the minister plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureau, and co-operate in the examination of the claims; and if this agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned; and if, notwithstanding his opinion, the bureau established by the French government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the minister of the United States. The minister of the United States shall transmit his observations, in all such cases, to the minister of the treasury of the French republic, on whose report the French government shall decide definitively in every case.

An agent to be appointed to examine claims.

Manner of settling disagreements respecting claims.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

The rejection of a claim only to exempt the U. States from paying it.

ART. 11. Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterwards.

All necessary decisions to be made in a year from the exchange of ratifications.

ART. 12. In case of claims for debts contracted by the government of France with citizens of the United States, since the 8th Vendemiaire, ninth year, (30th September, 1800,) not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

Claims against the French government, contracted since 30 Sept. not to be affected by this convention.

ART. 13. The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in six months from the date of the signature of the ministers plenipotentiary, or sooner if possible.

Six months for the exchange of ratifications.

In faith of which, the respective ministers plenipotentiary have signed the above articles, both in the French and English languages, declaring nevertheless that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the tenth day of Floreal, eleventh year of the French republic; 30th April, 1803.

ROBERT R. LIVINGSTON, [L. S.]
JAMES MONROE, [L. S.]
BARBE MARBOIS. [L. S.]

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1803. April 30.

ART. 10. Et afin qu'aucune dette qui n'aura pas les caractères ci-dessus mentionnés, et qu'aucunes demandes injustes ou exhorbitantes ne puissent être admises, l'agent commercial des Etats Unis à Paris, ou tel autre agent que le ministre plénipotentiaire des Etats Unis jugera à propos de nommer, pourra assister aux opérations des dits bureaux, et concourir à l'examen de ces créances, et si cet agent n'est d'avis que la dette est completement prouvée, ou s'il juge qu'elle n'est pas comprise dans les dispositions du 5me article ci-dessus mentionné et que non obstant son avis les bureaux établis par le gouvernement Française estiment que la liquidation doit avoir lieu, il transmettra ses observations au bureau établi de la part des Etats Unis, qui fera, sans déplacer, l'examen complet de la créance et des pièces au soutien, et fera son rapport au ministre des Etats Unis. Ce ministre transmettra ses observations à celui du trésor de République Française, et sur son rapport le gouvernement Français prononcera definitivement.

Le rejet qui pourra avoir lieu n'ayant d'autre effet que de constater que le payement demandé ne doit pas être fait par les Etats Unis, le gouvernement Français, se réserve de statuer définitivement sur la réclamation, en ce qui pourra le concerner.

ART. 11. Toutes les décisions necessaires seront rendues dans le cours d'une année, à dater de l'échange des ratifications, et aucune réclamation ne sera admise ultérieurement.

ART. 12. Dans le cas où il y aurait des réclamations des Etats Unis à la charge du gouvernement Français, pour des dettes contractées après le 8 Vendémiaire, an 9 (30 Septembre, 1800) elles pourront être suivies, et le payement pourra être demandé, comme n'étant point comprises en cette convention.

ART. 13. La présente convention sera ratifiée en bonne et due forme, et les ratifications seront échangées dans l'éspace de six mois après la date de la signature des ministres plénipotentiaries, où plutôt s'il est possible.

En foi de quoi, les plenipotentiaires respectifs ont signe les articles ci-dessus, tant en langue Francaise qu'en langue Anglaise, declarant neanmoins que le present traite a ete originairement redige et arrete en langue Francaise, et ils y ont appose leur sceau.

Fait a Paris, le dixieme jour de Floreal, de l'an onze de la republique Francaise, et le 30 April, 1803.

BARBE MARBOIS, [L. s.]
ROBERT R. LIVINGSTON, [L. s.]
JAMES MONROE. [L. s.]

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1822. June 24.

CONVENTION OF NAVIGATION AND COMMERCE.

By the President of the United States of America,

A PROCLAMATION.

WHEREAS a Convention of Navigation and Commerce between the United States of America and His Majesty the King of France and Navarre, together with two separate articles annexed to the same, was concluded and signed at Washington, on the twenty-fourth day of June last past, by the respective Plenipotentiaries of the two Powers; and whereas the said Convention, and the first separate article annexed to the same, have been duly and respectively ratified by me, and by his Majesty the King of France and Navarre, and the ratifications of the same have this day been exchanged at the City of Washington, by JOHN QUINCY ADAMS, Secretary of State, and COUNT JULIUS DE MENOU Charge d'Affaires of France; which Convention, and the first separate article annexed to the same, are in the words following, to wit:

[ORIGINAL.]

No. 9.—*Convention of Navigation and Commerce between the United States of America and his Majesty the King of France and Navarre.*

Preamble.

The United States of America and His Majesty the King of France and Navarre, being desirous of settling the relations of navigation and commerce between their respective nations, by a temporary convention reciprocally beneficial and satisfactory, and thereby of leading to a more permanent and comprehensive arrangement, have respectively furnished their full powers in manner following, that is to say: The President of the United States to JOHN QUINCY ADAMS, their Secretary of State: and His Most Christian Majesty to the Baron HYDE DE NEUVILLE, Knight of the Royal and Military Order of St. Louis, Commander of the Legion of Honor; Grand Cross of the Royal American Order of Isabella the Catholic, his Envoy Extraordinary and Minister Plenipotentiary near the United States; who, after exchanging their full powers, have agreed on the following articles:

John Q. Adams and Baron de Neuville, negotiators.

Exchange of full powers.

Articles, &c. of the U. States imported in American vessels to pay in French 20 francs pr. ton over what they pay in French vessels.

ART. 1. Articles of the growth, produce, or manufacture, of the United States, imported into France in vessels of the United States, shall pay an additional duty, not exceeding twenty francs per ton of merchandize, over and above the duties paid on the like articles, also of the growth, produce, or manufacture, of the United States, when imported in French vessels.

Articles, &c. of France imported in French vessels to pay in the U. States 3 dolls. 75 cents per ton over what they pay in American vessels.

ART. 2. Articles of the growth, produce, or manufacture, of France, imported into the United States in French vessels, shall pay an additional duty, not exceeding three dollars and seventy-five cents per ton of merchandize over and above the duties collected upon the like articles, also of the growth, produce, or manufacture, of France, when imported in vessels of the United States.

Goods for transit or re-exportation not to pay

ART. 3. No discriminating duty shall be levied upon the productions of the soil or industry of France, imported in

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CONVENTION DE NAVIGATION ET DE COMMERCE.

[ORIGINAL.]

Convention de Navigation et de Commerce entre sa Majesté le Roi de France et de Navarre et les Etats Unis d'Amérique.

Sa Majesté le Roi de France et de Navarre et les Etats Unis d'Amérique, desirant régler les relations de navigation et de commerce entre leur nations respectives par une convention temporaire reciproquement avantageuse et satisfaisante, et arriver ainsi à un arrangement plus étendu et durable, ont respectivement donné leur pleinspouvoirs, savoir: Sa majesté très chrétienne au Baron Hyde de Neuville, Chevalier de l'ordre Royale et Militaire de St. Louis, commandeur de la legion d'honneur, grand croix de l'ordre royale Américain d'Isabelle la catholique, son envoyé extraordinaire et ministre plénipotentiairie près les Etats Unis; et le Président des Etats Unis, à John Quincy Adams, leur Sécrétai re d'Etat; lesquels après avoir échange leur pleinspouvoirs, sont convenus des articles suivans:

ART. 1. Les produits naturels où manufacturés des Etats Unis importés en France sur bâtimens des Etats Unis payeront un droit additionel qui n'excèdera point vingt francs par touneau de marchandise, en sus des droits payés sur les mêmes produits naturels au manufacturés des Etats Unis quand ils sont importés par navires Français.

ART. 2. Les produits naturels ou manufacturés de France importés aux Etats Unis sur bâtimens Français payeront un droit additionel qui n'excèdera point trois dollars soixante quinze cents par tonneau de marchandise, en sus des droits payés sur les mêmes produits naturels où manufacturés de France quand ils sont importés par navires des Etats Unis.

ART. 3. Aucun droit differentiel ne sera levé sur les produits du sol et de l'industrie de France qui seront importés

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French bottoms into the ports of the United States for transit or re-exportation: nor shall any such duties be levied upon the productions of the soil or industry of the United States, imported in vessels of the United States into the ports of France for transit or re-exportation.

a discriminating duty in either country.

Quantities composing the ton.

ART. 4. The following quantities shall be considered as forming the ton of merchandize for each of the articles hereinafter specified:

Wines.

Wines—four 61 gallon hogsheads, or 244 gallons of 231 cubic inches, American measure.

Brandies, &c.

Brandies, and all other liquids, 244 gallons.

Silks and Dry goods.

Silks and all other dry goods, and all other articles usually subject to measurement, forty-two cubic feet, French, in France, and fifty cubic feet American measure, in the United States.

Cotton.

Cotton 804 lbs. avoirdupois, or 365 kilogrammes.

Tobacco.

Tobacco, 1,600 lbs. avoirdupois, 725 kilogrammes.

Ashes.

Ashes, pot and pearl, 2,240 lb. avoirdupois, or 1,016 kilogs.

Rice, and all weighable articles.

Rice, 1,600 lb. avoirdupois, 725 kilogrammes; and for all weighable articles, not specified, 2,240 lb. avoirdupois, or 1,016 kilogrammes.

Duties of tonnage, light money, &c. not to exceed in France, five francs per ton on American vessels, and in the U States, 94 cents per ton on French vessels.

ART. 5. The duties of tonnage, light money, pilotage, port charges, brokerage, and all other duties upon foreign shipping, over and above those paid by the national shipping in the two countries respectively, other than those specified in articles 1 and 2 of the present convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register; nor for vessels of France in the United States, ninety-four cents per ton of the vessels French passport.

Consuls and Vice Consuls of either nation, in the other, may cause the arrest of deserters, & detain them for three months.

ART. 6. The contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective vessels, have agreed that the consuls and vice consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that those men were part of said crews; and on this

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par navires Français dans les ports des Etats Unis pour transit ou re-exportation: Il en sera de même dans les ports de France pour les produits du sol et de l'industrie de l'Union qui seront importes pour transit ou re-exportation par navires des Etats Unis.

ART. 4. Les quantitiés suivantes seront considerées comme formant le tonneau de marchandise pour chacun des articles ci-après specifies:

Vins—quatre barriques de 61 gallons chaque, ou 244 gallons de 231 pouces cube (mésure Américaine.)

Eaux de vie, et tous autres liquides, 244 gallons.

Soieries et toutes autres marchandises séches ainsi que tous autres articles généralement soumis au mésurage quarante deux peids cubes, mésure Française, en France; et cinquante pieds cubes, mésure Américaine, aux Etats Unis.

Cottons—804 lb. avoir du poids ou 365 kilogrammes.

Tabacs—1600 lb. avoir du poids ou 725 kilogrammes.

Potasse et *Perlasse* 2240 lb. avoir du poids ou 1016 kilogrammes.

Riz—1600 lb. avoir du poids ou 725 kilog: Et pour tous les articles non specifiés et qui se pesant 2240 lb. avoir du poids ou 1016 kilogrammes.

ART. 5. Les droits de tonnage, de phare, de pilotage, droits de port, courtage, et tous autres droits sur la navigation étrangère en sus de ceux payés respectivement par la navigation nationale dans les deux pays, autre que ceux specifiés dans les articles 1 et 2 de la presente convention, n'excéderont pas, en France, pour les bâtimens des Etats Unis, cinq francs par tonneau d'après le registre Américain du bâtiment, ni pour les bâtimens Français aux Etats Unis, quatre vingt quatorze cents par tonneau d'après le passeport François du bâtiment.

ART. 6. Les parties contractantes désirant favoriser mutuellement leur commerce, en donnant dans leurs ports toute assistance nécessaire à leurs bâtimens respectifs, sont convenues que les consuls et vice consuls pourront faire arrêter les matelôts faisant partie des équipages des bâtimens de leurs nations respectives qui auraient déserté des dits bâtimens pour les renvoyer et faire transporter hors du pays. Auquel effet les dits consuls et vice-consuls s'adresseront aux tribunaux, juges et officiers compétens, et leur feront, par écrit, la demande des dits déserteurs, en justifiant par l'exhibition des registres du bâtiment ou rôle d'équipage où autres documens

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demand, so proved, (saving however where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Convention to be in force two years from 1st October, 1822.

ART. 7. The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least six months before hand.

Extra duties at the end of two years, to be diminish'd by one fourth, and so on, from year to year, till one of the parties shall declare the intention of renouncing it.

And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles, shall, from the expiration of the said two years, be, on both sides, diminished by one fourth of their whole amount, and, afterwards, by one fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

Ratification in one year. To take effect from October 1, 1822.

ART. 8. The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner, if possible. But the execution of the said convention shall commence in both countries on the 1st of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed *bonâ fide* for the ports of either nation, in the confidence of its being in force.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have thereto affixed their seals, at the city of Washington, this 24th day of June, A. D. 1822.

JOHN QUINCY ADAMS, [L. S.]
G. HYDE DE NEUVILLE. [L. S.]

SEPARATE ARTICLE.

Separate article

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th May, 1820, and

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officiels que ces hommes faisaient partie des dits équipages. Et sur cette demande ainsi justifiée, sauf toutefois la preuve contraire, l'extradition ne pourra être refusée, et il sera donné toute aide et assistance aux dits consuls et vice-consuls pour la recherche, saisie et arrestation des susdits deserteurs, lesquels seront même detenus et gardés dans les prisons du pays à leur réquisition, et à leurs frais, jusqu'à ce qu'ils ayent trouvé occasion de les renvoyer; mais s'ils n'étaient renvoye dans le delai de trois mois à compter du jour de leur arrêt, ils seront élargis et ne pourront plus être arrêtés pour la même cause. 1822. June 24.

ART. 7. La présente convention temporaire aura son plein effet pendant deux ans á partir du 1er. Octobre prochain, et même après l'expiration de ce terme, elle sera maintenue jusqu'a la conclusion d'un traité définitif, où jusqu'à ce que l'une des parties ait déclaré à l'autre son intention d'y renoncer, laquelle déclaration devra être fait au moins six mois d'avance.

Et dans le cas où la presente convention viendrait à continuer, sans cette declaration par l'une ou l'autre partie, les droits extraordinaires specifiés dans les 1er et 2d articles, seront à l'expiration des dites deux années, diminués de part et d'autre d'un quart de leur montant, et successivement d'un quart du dit montant d'année en année, aussi longtems qu'aucune des parties n'aura déclaré son intention d'y renoncer, ainsi qu'il est dit ci-dessus.

ART. 8. La présente convention sera ratifiée de part et d'autre, et les ratifications seront échangés dans l'espace d'une année à compter de ce jour, ou plutôt si faire se peut. Mais l'éxécution de la dite convention commencera dans le deux pays le première Octobre prochain, et aura son effet, dans le cas même non-ratification, pour tous bâtimens partis *bonâ fide* pour les ports de l'une ou l'autre nation, dans la confiance qu'elle était en vigueur.

En foi de quoi, les plenipotentiaires respectifs ont signé la présente convention, et y ont apposé leur sceaux, en la ville de Washington, ce 24me jour de Juin, de l'an notre seigneur, 1822.

G. HYDE DE NEUVILLE, [L. S.]
JOHN QUINCY ADAMS. [L. S.]

ARTICLE SEPARE.

Les droits extraordinaires levés de part et d'autre jusqu'à ce jour, en vertu de l'acte du Congress du 15 Mai, 1820, et de

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of the ordinance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS, [L. S.]
G. HYDE DE NEUVILLE, [L. S.]

Ratification.

Now, therefore, be it known, That I, JAMES MONROE, President of the United States, have caused the said Convention and first separate Article to be made public; to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington, this twelfth day of February, [L. S.] in the year of our Lord one thousand eight hundred and twenty-three, and of the Independence of the United States the forty-seventh.

JAMES MONROE.

By the President:
JOHN QUINCY ADAMS,
Secretary of State.

NOTE. In addition to the preceding treaties, &c. between the United States and France, there was, in 1783, a contract made for a loan of six millions of livres tournois, with the French government, for the use of the United States, which were advanced in twelve monthly payments of 500,000 livres each, on the receipt of Benjamin Franklin, then American minister. This loan was to bear an interest of five per centum, and to be repaid in Paris, in six equal portions of one million each, and in six periods, commencing from the year 1797, and so on, from year to year, until 1802, when the final payment was to be made. In this contract, as in that of 1782, anticipation of re-payments was stipulated, provided the United States found their finances in a condition to admit of it.—The several treaties with France, up to that of the 30th of September, 1800, have become obsolete, or have expired.

The act of the 7th of July, 1798, approved during the presidency of John Adams, which is inserted at large, at page 58, is intended to annul Nos. 1, 2, and 4. The hostilities which succeeded this act, between the United States and the French Republic, were terminated by the convention, which was negociated at Paris, on the 30th of September, 1800, but not finally ratified at Washington until the 21st of December, 1801. See No. 5, page 82. By that important convention the two treaties of February, 1778, and the convention of the 14th of November, 1778, were annulled, the United States freed from a burdensome alliance with France, and exonerated from the weighty respon-

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l'ordonnance du 26 Juillet de la même année et autres la confirmant, qui n'ont point déjà été remboursés, seront restitués. Signé et scellé comme ci-dessus ce 24me jour de Juin, 1822. 1822. June 24.

G. HYDE DE NEUVILLE, [L. S.]
JOHN QUINCY ADAMS. [L. S.]

sibility imposed by that treaty, [see the 60th page of this collection] whereby, among other stipulations, the United States agreed to guarantee to the crown of France its possessions in America.

The temporary convention No. 9, [page 126] negotiated on the 24th of June, 1822, and ratified on the 12th of February, 1823, "shall be in force for "two years from the 1st day of October next, and even after the expiration of "that term, until the conclusion of a definitive treaty, or until one of the "parties shall have declared its intention to renounce it; which declaration "shall be made at least six months before hand."—"And in case the present "arrangement should remain without such declaration of its discontinuance "by either party, the extra duties specified in the 1st and 2d articles, shall, "from the expiration of the said two years, be, on both sides, diminished by "one-fourth of their whole amount, and, afterwards, by one-fourth of the "said amount from year to year, so long as neither party shall have declared "the intention of renouncing it as above stated." This convention not having terminated, in consequence of the notification of either party, American and French vessels, laden with the produce of their respective countries, continue to be received into the ports of each other, on the same and equal terms.

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1782.
October 8.

TREATIES WITH THE NETHERLANDS.

ORIGINAL.

No. 1.—*A Treaty of Amity and Commerce between their high mightinesses the states general of the United Netherlands, and the United States of America, to wit: New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.*

Their high mightinesses the states general of the United Netherlands, and the United States of America, to wit: New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to ascertain in a permanent and equitable manner, the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective states, countries, and inhabitants, have judged that the said end cannot be better obtained, than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burdensome preferences, which are usually the sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation such ulterior regulations as it shall find most convenient to itself; and by founding the advantages of commerce solely upon reciprocal utility, and the just rules of free intercourse, reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

Rules to be observed relative to the commerce and correspondence between the two nations.

On these principles their said high mightinesses the states general of the United Netherlands, have named for their plenipotentiaries, from the midst of their assembly, Messieurs, their deputies for the foreign affairs; and the said United States of America, on their part, have furnished with full powers, Mr John Adams, late commissioner of the United States of America at the court of Versailles, heretofore delegate in congress from the state of Massachusetts Bay, and chief justice of the said state; who have agreed and concluded as follows, to wit:

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1782.
October 8.

ORIGINEEL.

Tractaat van vriendschap en commercie, tusschen haar hoog mogende de staten generaal de Vereenigde Nederlanden, en de Vereenigde Staten van America, te weeten, New Hampshire, Massachusetts, Rhode Island en Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Noord Carolina, Zuyd Carolina, en Georgia.

Haar hoog mogende de staten generaal der Vereenigde Nederlanden en de Vereenigde Staten van America, te weeten: New Hampshire, Massachusetts, Rhode Island en Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Noord Carolina, Zuyd Carolina, en Georgia, geneegen zynde op een bestendige en billy ke wyze te bepalen de regelen, die in acht genomen moeten worden, ten opzigte van de correspondentie en commercie, welke zy verlangen vast te stellen tusschen haare respective landen, staaten, onderdanen en ingezeetenen, hebben geoordeelt, dat het gezegde einde niet beeter kan worden bereikt, dan door te stellen tot een bazis van haar verdrag, de volmaakste egaliteit en reciprociteit, en met vermyding van alle die lastige preferentien, dewelke doorgaans de bronäders zyn van twist, verwarring en misnoegen; door aan iedere party de vryheid te laaten, om weegens de commercie en navigatie, verder zulke reglementen te maken, als die voor zig zelven het gevoeglykst zal oordeelen; en door de voordeelen van commercie, eeniglyk te gronden op weederzyts nut, en de juyste regels van vrye handel over en weer; reserveerende by dat elles aan iedere parthy de vryheid, om, na des zelfs goedvinden andere natien te admitteeren tot het participeeren aan dezelfde voordeelen.

Op deeze grondbeginzelen, hebben voorgemelde haar hoog mogende dee staaten generaal der Vereenigde Nederlanden, tot hunne plenipotentiarissen, uit het midden hunner vergadering benoemd de Heeren derselver gedeputeerdeen tot de buitenlandsche zaaken; en de gemelde Vereenigde Staaten van America, van hunne zyde met volmagt vootsien, den Heer John Adams, laatst commissaris van de Vereenigde Staaten van America aan het hof van Versailles, geweezen afgeevaardigde op het congres weegens de staaten van Massachusetts Baay, en opper-regter van den gemelden staat, dewelke zyn overeengekomen, en geaccordeert:

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Firm and inviolable peace and friendship.

ART. 1. There shall be a firm, inviolable, and universal peace and sincere friendship, between their high mightinesses, the lords, the states general of the United Netherlands, and the United States of America, and between the subjects and inhabitants of the said parties, and between the countries, islands, cities, and places, situated under the jurisdiction of the said United Netherlands, and the said United States of America, their subjects and inhabitants, of every degree, without exception of persons or places.

Subjects of the Netherlands to pay no higher duties in the U. States, than the most favored nation.

ART. 2. The subjects of the said states general of the United Netherlands, shall pay in the ports, havens, roads, countries, islands, cities, or places, of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favored are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another, in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

Citizens of the U. States not to pay greater duties in the Netherlands than the most favored nations.

ART. 3. The subjects and inhabitants of the said United States of America, shall pay in the ports, havens, roads, countries, islands, cities, or places of the said United Netherlands, or any of them, no other nor greater duties or imposts of whatever nature or denomination they may be, than those which the nations the most favored are or shall be obliged to pay: and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from any one towards any one of those ports, from or to any foreign port of the world. And the United States of America, with their subjects and inhabitants, shall leave to those of their high mightinesses, the peaceable enjoyment of their rights, in the countries, islands, and seas, in the East and West Indies, without any hindrance or molestation.

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ART. 1. Daar zal een vaste, onverbreekelyke en universeele, vreede, en opregte vriendschap zyn, tuschen haar hoog mogende de heeren staaten generaal der Vereenigde Nederlanden, en de Vereenigde Staaten van America, en de onderdanen ingezeetennen van de voornoemde parthyen, en tuschen de landen, eilanden, steeden en plaatzen, geleegen, onder de jurisdictie van de gemelde Vereenigde Nederlanden en de gemelde Vereenigde Staaten van America, en derselver onderdanen en ingezeetenen, van allerley staat, sonder onderscheid van persoonen en plaatzen.

ART. 2. De onderdanen van de gemelde staaten generaal der Vereenigde Nederlanden, zullen in de havens, rheeden, landen, eilanden, steden of phaatzen van de Vereenigde Staaten van America, of eenige van dezelve, geen andere of grootere regten of impositien, van wat natuur die ook mogen zyn, of hoedanig dezelve ook genoemt mogen werden, betaalen, dan die welke de meest gefavoriseerde natien zyn, of zullen worden verpligt aldaar te betaalen. En zy zullen genieten alle de regten, vryheeden privilegien, immuniteiten en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde staaten na een andere, of gaande van eenige van deeze havens na eenige vreemde haven van de wereld, of van eenige vreemde haven van de wereld, of van eenige van deeze havens, welke de gemelde natien reeds genieten of zullen genieten.

ART. 3. Insgelyks zullen de onderdanen en ingezeetenen van de gemelde Vereenigde Staaten van America, in de havens, rheeden, landen, eilanden, steeden of plaatsen van de gemelde Vereenigde Nederlanden of eenige van dezelve, geen andere of grootere regten of impositien, van wat natuur die ook mogen zyn, of hoedanig dezelve ook genoemt mogen worden, betaalen, dan die, welke de meest gefavoriseerde natien zyn, of zullen worden verpligt aldaar te betaalen. En zy zullen genieten alle de regten, vryheeden, privilegien, immuniteiten, en exemptien in handel, navigatie en commercie, het zy in het gaan van eene haven in de gemelde staaten na eene andere, of gaande na en van dezelve, van en na eenige vreemde haven van de wereld; welke de meest gefavoriseerde natien reeds genieten of zullen genieten. En zullen de Vereenigde Staaten van America, benevens haare onderdanen en ingezeetenen aan die van haar hoog mogende laaten het gerust genot van haare regten, omtrent de landen, eilanden en zeeën, in Oost en West Indien, sonder haar daar in eenig belet, of hindernis te doen.

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ART. 4. There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party and to their families, and no one shall be molested in regard to his worship, provided he submits, as to the public demonstration of it, to the laws of the country. There shall be given, moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burying places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require; and the dead bodies of those who are buried, shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates of deaths, in which they shall be interested.

Liberty of conscience secured to each party, of the territories in the other.

ART. 5. Their high mightinesses the states general of the United Netherlands, and the United States of America, shall endeavor, by all the means in their power, to defend and protect all vessels and other effects, belonging to their subjects and inhabitants respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored to the true proprietors, their agents or attorneys, all such vessels and effects, which shall be taken under their jurisdiction: and their vessels of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace, and the other at war, nor destined for any place blocked, and which shall hold the same course or follow the same route; and they shall defend such vessels as long as they shall hold the same course or follow the same route, against all attacks, force and violence of the common enemy, in the same manner as they ought to protect and defend the vessels belonging to their own respective subjects.

Both parties to protect vessels of the other in their ports, and to convoy the vessels of each other, in case of a common enemy.

ART. 6. The subjects of the contracting parties may, on one side and on the other, in the respective countries and states, dispose of their effects, by testament, donation, or otherwise;

Citizens of both may dispose of their effects by

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Art. 4. Er zal eene volle, volkomene en geheele vryheid van conscientie worden toegestaen aan de onderdanen en ingezeetenen van iedere parthy, en aan derzelver familien, en zal niemand ter zaake van den Godsdienst, worden gemolesteert, mits hem omtrent publique demonstratie onderwerpende aan de wetten van het land. Daar en boven zal vryheid worden gegeven aan de onderdanen en ingezeetenen van iedere parthye, die in des anderen's territior overlyden, om begraven te worden in de gewoone begraafplaatzen of gevoeglyke en decente plaatzen, daar toe te bepaalen, zoo als de geleegendheid zal vereysschen, negte zullen de doode lighaamen van die geene die begraven zyn, eenigsints werden gemolesteert. En zullen de beide contracteerende mogendheeden ieder onder hun gebied, de nodige voorsieninge doen, ten einde de respective onderdanen en ingezeetenen van behoorlyke bewyzen van sterfgevallen, waar by dezelve zyn geinteresseert, voortaan zullen kunnen worden gedient.

Art. 5. Haar hoog mogende de staten generaal der Vereenigde Nederlanden en de Vereenigde Staaten van America, zellen tragten, zoo veel eenigzints in haar vermogen is, te beschermen en defendeeren alle scheepen en andere effecten toebehoorende aan wederzydsche onderdanen en ingezeetenen, of eenige van dezelve, zynde in haare havens of rheën, binnenlandsche zeeën, stroomen, rivieren, en zoo verre haare jurisdictie zeewaards strekt, en wederom te bekomen ente doen restitueeren aan de regte eigenaars, hunne agenten of gevolmagtigden, alle zodanige scheepen en effecten, die onder haare jurisdictie zullen genomen worden: en haare convoyeerende oorlog scheepen zullen, voor zoo verre zy eenen gemeenen vyand mogen hebben, onder haare protectie neemen alle scheepen, toebehoorende aan elkandere onderdanen en ingezetenen, dewelke geene contrebande goederen, volgens de beschryving hier na daar van te doen, zullen hebben ingeladen naar platzen, waar meede de eene parthy in vreede, en de andere in oolog is, en na geen geblocqueerde plaats gedestineert zyn, en zullen houden dezelve cours, of gaan dezelve weg, en zullen zodanige scheepen defendeeren, zoo lang als zy dezelve cours houden, of dezelve weg gaan, teegens alle aanvallen, magt en geweld van den geemeenen vyand, op de zelve wys als zy zouden moeten beschermen en defendeeren de scheepen toebehoorende aan weedersyds eigen onderdanen.

Art. 6. De onderdanen der contracteerende parthyen zullen over en weeder, in weedersydsche landen en staten, van hunne goederen by testamenten, donatien, of andersints mogen

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and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even *ab intestato*, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested, under pretext of any rights or prerogatives of any province, city, or private person; and if the heirs, to whom such successions may have fallen, shall be minors, the tutors or curators, established by the judge domiciliary of the said minors, may govern, direct, administer, sell and alineate the effects fallen to the said minors by inheritance, and in general, in relation to the said successions and effects, use all the rights, and fulfil all the functions which belong, by the disposition of the laws, to guardians, tutors, and curators: provided, nevertheless, that this disposition cannot take place, but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

will, or otherwise, in the territories of the other.

Regulations relating to the disposition of such effects.

Either party to employ such attornies as they think proper.

ART. 7. It shall be lawful and free for the subjects of each party, to employ such advocates, attorneys, notaries, solicitors, or factors, as they shall judge proper.

Vessels not to be forcibly detained for public or private use.

ART. 8. Merchants, masters, and owners of ships, mariners, men of all kinds, ships and vessels, and all merchandises and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized, or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, public or private use of any one, by arrests, violence, or any color thereof; much less shall it be permitted to the subjects of either party, to take or extort by force, any thing from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions, and arrests, which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes; in respect whereof, the proceedings must be by way of law, according to the forms of justice.

Nothing to be extorted by force.

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disponeeren, en hunne erfgenamen, zynde onderdanen van een der parthyen in de landen vande andere, of wel elders woonagtig, zullen dezelve nalatenschappen ontfangen, selfs *ab intestato*, het zy in persoon, het zy by hun procureur, of gemagtigde, schoon zy geen brieven van naturalisatie zouden mogen hebben geobtineert, zonder dat het effect van die commissie hun zal kunnen worden betwist, onder pretext van eenige regten, of voorregten von eenige provincie, stad of particulier perzoon: enzoo de erfgenamen, aan welke de erfenissén mogten vervallen zyn, minder jarig waren, zullen de voogden of curateurs by den domiciliairen regter der genoemde minderjarigen aangenstelt, kunnen regeeren, bestieren, administreeren, verkoopen en veralieneeren de goederen, welke de gemelde minderjarigen by erfenissen zullen zyn te beurt gevallen; en generalyk met opsigt tot de voorsz: successien en goederen, waarneemen alle regten en functien, die aan voogden en curateurs, na dispositie der wetten competeeren, behoudens nogthans, dat deeze dispositie geen plaats zal kunnen hebben, dan ingevalle, als wanneer de testateur by testament, codicille, of ander wettig instrument, geene voogden, of curateurs zal hebben genomineert. 1782. October 8.

Art. 7. Hat zal wettig en vry zyn aan de onderdanen van iedere parthye, zodanige advocaten, procureurs, notarissen, solliciteurs of factoors te employeeren, als zy zullen goedvinden.

Art. 8. Kooplieden, schippers, eygenaars, bootsgezellen, lieden van alderhande soort, scheepen en vaartuigen, en alle koopmanschappen en goederen in't generaal, en effecten van een der bondgenooten, of van derselver onderdanen, zullen niet mogen worden in beslag genomen of aangehouden in eenige der landen, gronden, eilanden, steeden, plaatsen, havens, stranden of dominien, hoegenaamt, van den anderen bondgenoot, tot eenige militaire expeditie, publicq of privaat gebruik van iemand, door arrest, geweld, of eenigsints daar na gelykende: veel min zal het gepermitteert zyn aan de onderdanen van iedere parthy iets te neemen, of door geweld te ontvreemden van de onderdanen van de andere parthy, sonder bewilliging van den persoon die het toebehoord: het geen egterniet te verstaan is van die aanhalingen, detentien en arresten, welke zullen worden gedaan op bevel en authoriteit van de justitie, en volgens de ordinaire weegen, ten opzigte van schulden, of misdaden, waar omtrent de procedures moeten geschieden by wege van regten, ingevolge de form van justitie.

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Inhabitants of either party permitted to manage their own concerns in the dominions of the other.

ART. 9. It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place, subject to the jurisdiction of the two powers respectively, to manage themselves their own business; and moreover, as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessels, and every thing which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favored nation.

Free trade allowed to the ports of an enemy.

Merchant vessels compelled to exhibit sea-letters, &c.

Vessels not having contraband allowed to pass; when under convoy the word of the commander to be sufficient.

ART. 10. The merchant ships of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally: they shall be, nevertheless, held, whenever it shall be required to exhibit as well upon the high seas, as in the ports, their sea-letters and other documents, described in the twenty-fifth article, stating expressly that their effects are not of the number of those which are prohibited, as contraband: and not having any contraband goods for an enemy's port, they may freely and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessels convoyed by vessels of war, but credence shall be given to the word of the officer who shall conduct the convoy.

In case of contraband hatches not to be broken at sea, but in port only.

Due process of law, before sale of contraband.

ART. 11. If, by exhibiting the sea-letters, and other documents, described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods, which are declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessels found therein, or to remove the smallest parcel of her goods, whether the said vessel belongs to the subjects of their high mightinesses the states general of the United Netherlands, or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, until after that due and lawful process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronoun-

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Art. 9. Verders is overeengekomen en beslooten, dat het volkomen vry zal staan aan alle kooplieden bevelhebbers van scheepen, en andere onderdanen of ingezeetenen der beide contracteerende mogendheeden in alle plaatsen respectivelyk gehoorende onder het gebied en de jurisdictie der weederzydsche mogendheeden hunne eige saaken zelfs te verrigten; zullende dezelve wyders, omtrent het gebruik van tolken, of makelaars, mitsgaders met opzigt tot het laaden, of ontladen hunner scheepen, en al het geen daar toe betrekkelyk is, over en weeder, op den voet van eige onderdanen, of ten minsten inge eykheid met de meest gefavoriseerde natie geconsidereert, en gehandelt worden.

Art. 10. De koopvaardy scheepen van een leder der parthyen, koomende, zoo wel van een vyandelyke, als eige of neutrale haven, zullen vry moogen vaaren naa eenige haven van een vyand van den anderen bondgenoot; dog verpligt zyn, soo dikwils het gevordert word, haare zeebrieven, en verdere bescheiden in het 25ste articul beschreeven, zoo wel op de open zee, als in de havens te ezhibeeren, expresselyk aantonende, dat haare goederen niet zyn van het getal dier geene, dewelke als contrabande verbooden zyn, en geene contrabande goederen voor een vyandelyke haven gelaaden hebbende, na de haven van een vyand, haare reize vryelyk, en onverhindert mogen vervolgen; dog sal geen visitatie van papieren gevergt worden van scheepen onder convoy der oorlog scheepen, maar geloof, worden gegeeven aan het woord van den officier, het convoy leidende.

Art. 11. Indien by het vertoonen der zee-brieven en andere bescheiden by het 25ste articul van dit tractaat nader beschreeven, de andere parthy ontdekt, dat er eenige van die soort van goederen zyn, dewelke verbooden en contrebande gedeclareet zyn, en geconsigneert naar een haven onder de gehoorsaemheid van den vyand, zal het niet geoorloft zyn de luyken van zodanig schip op te breeken, of eenige kist, koffers, pakken, kassen of ander vaatwerk, daar in gevonden wordende te openen of het geringste gedeelte van haare goederen te verplaatsen, het sy sodanige scheepen toebehooren aan de onderdanen van haar hoog mogende, de staaten generaal der Vereenigde Nederlanden, of aan onderdanen en ingezeetenen van de gemelde Vereenigde Staaten van America, ten zy de lading aan land gebragt worde in presentie van de officieren van het admiraliteits hoff, en een inventaris van deselve gemaakt, dog sal niet worden toegelaten, om deselve op eenigerhande wyse te verkoopen, verruilen of veralien-

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ced, shall have confiscated the same; saving always as well the ship itself, as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prize: but, on the contrary, when, by the visitation at land, it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers that he who has taken and carried in the vessel has been able to discover any there, he ought to be condemned in all the charges, damages, and interests of them, which he shall have caused, both to the owners of vessels, and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actually in the service of an enemy.

Neither the ship nor the free goods to be affected thereby.

Captors ought to be condemned in costs when no contraband is found.

Free ships to make free goods and persons, except those in the service of an enemy.

Goods liable to confiscation unless shipped before declaration of war, or six months thereafter.

ART. 12. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it belonged to the enemy, except nevertheless such effects and merchandises as were put on board such vessel before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be public: provided nevertheless, that if the said merchandises are contraband, it shall by no means be lawful to transport them afterwards to any port belonging to enemies.

Proviso, in case of contraband.

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eeren, dan na dat behoorlyke en wettige procedures tegens zodanige verbodene contrabande goederen zullen zyn gehouden, et het admiraliteits hof by een gepronuntieerde sententie dezelve zal hebben geconfisqueert, daar van altoos vrylatende, zoo wel het schip zelve, als eenige andere goederen, daar in gevonden wordende, welke voor vry werden gehouden, nogte mogen dezelve worden opgehouden, onder voorgeeven, dat die, als't ware, door de geprohibeerde goederen, zouden zyn geinfecteert, veel min zullen dezelve, als wettige prys worden geconfisqueert: maar in tegendeel, wanneer by de visitatie aan land word bevonden, dat er geen contrabande waaren in de scheepen zyn, en uit de papieren neit bleek, dat de neemer en opbrenger het daar uyt niet had konnen ontdekken, zal deselve moeten worden gecondemneert in alle de kosten en schaden, die hy zoo aan de eigenaaren de scheepen als aan de eigenaars en inlaaders der goederen, waar meede de scheepen beladen zullen zyn, door zyne rukelooze aanhouding, en opbrenging der scheepen zal hebben veroorsaakt, met de interessen van dien; wordende wel expresselyk verklaart, dat een vry schip zal vry maaken de waaren daar ingelaaden, en dat die vryheid zig ook zal uitstrekken over de persoonen, die haar zullen bevinden in een vry schip, dewelke daar uyt niet gelight zullen mogen worden, ten zy het waren oorlogsluiden, en effectiven dienst van den vyand.

Art. 12. In tegendeel is overeengekomen, dat al het geen bevonden zal worden geladen te zyn door de onderdanen en ingezeetenen van een der beide parthyen in eenig schip de vyanden van den anderen, of ran deszelfs onderdanen toebehoorende, geheel, of schoon niet zynde van de soort van verbodene goederen, mag worden geconfisqueert, op dezelve wys als of het den vyand toekwam, uitgesondert sodanige goederen en koopmanscappen, als aan boord van zodanig schip gedaan waren voor de oorlogs-declaratie, of binnen ses maanden na deselve, welke goederen in geenendeele confiscatie zullen onderhevig zyn, maar wel en getrouwelyk sonder uytstel aan de eigenaers, die deselve voor de confiscatie en verkoop zullen te rug vragen of doen vragen, in natura zullen worden gerestitueert, gelyk meede het provenu daar van, indien de reclame binnen agt maanden na de verkoping, dewelke publicq zal moeten worden gedaan, eerst, konde geschieden, dog zoo, dat, indien de gemelde koopmanscappen contrebande zyn, het geenzints geoorloft zal zyn deselve naderhand te vervoeren na eenige havens, de vyanden toebehoorende.

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ART. 13. And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels of war or privateers of the other party, it shall be forbidden to all commanders of vessels of war, and other armed vessels of the said states general of the United Netherlands, and the said United States of America, as well as to all their officers, subjects, and people, to give any offence or do any damage to those of the other party; and if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by reparation, under pain and obligation of their persons and goods.

Vessels of war not to do injury to either party, if they do, to be punished for it, or make reparation.

ART. 14. For further determining of what has been said, all captains of privateers, or fitters-out of vessels armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruises or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commissions.

Privateer captains &c. to give bonds for good conduct.

ART. 15. All vessels and merchandises of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions shall be brought into some port of one of the two states, and deposited in the hands of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proofs shall be made concerning the property thereof.

Goods rescued from pirates to be restored to the real owners.

ART. 16. If any ships or vessels, belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked or suffer any other sea damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessels, effects, and merchandises, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold,

In case of shipwreck, friendly aid shall be afforded and property restored, if claimed within one year and a day.

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Art. 13. En ten einde de best mogelyke zorg mag worden gedragen voor de securiteit van de onderdanen en het volk van een der beide parthyen, dat dezelve geen overlast komen te lyden van weegens de oorlog scheepen of kapers van de andere parthy, zullen alle de bevelhebbers van oorlog-scheepen en gewapende vaartuigen van de voorsz: staaten generaal der Vereenigde Nederlanden, en vande gemelde Vereenigde Staaten van America, mitsgaders alle derselver officieren onderdanen en volk, verbooden worden eenige beleediging of schade aan die van de andere zyde, toe te brengen, en zoo zy dien contrarie handelen, zullen zy op de eerste klagten, daar over te doen, na behoorlyk ondersoek schuldig bevonden wordende, door haar eige regters gestraft worden, endaar en boven verplight worden satisfactie te geeven voor alle schade, en den interest daar van, door vergoeding onder pœne en verbintenis van hunne personen en goederen.

Art. 14. Tot meerder verklaring van het geen voorsz: is, zullen alle kaper capiteinen, of rheeders van scheepen op particuliere bestelling en commissie ten oorloguitgerust, voor dezelve gehouden zyn, voor derselver vertrek, goede en suffisante cautie te stellen voor de competente regters, of in het geheel te verantwoorden de malversatien, die zy in haare coursen, of op haare reizen zouden mogen begaan, en voor de contravention van haare capiteinen en officieren, tegen het tegenwoordig tractaat ende ordonnantien en edicten, die gepubliceert zullen worden, in kragte, en conform de dispositie van dien, op pœne van verval, en nulliteit der voors commissien.

Art 15. Alle scheepen en koopmanschappen van wat natuur dezelve ook zyn, die hernomen zullen worden uyt handen van piraten en zeerovers, sonder behoorlyke commissie op de open zee varende, zullen gebragt worden in eenige haven van eene der beide staaten, en zullen aan de bewaring der officieren van die haven worden overgeleevert, ten einde geheel, gerestitueert te worden aan den regten eigeenaar, zoodra als behoorlyk en genoegsaam bewys, wegens den eigendom der zelve zal gedaan zyn.

Art. 16. Indien eenige scheepen of vaartuigen toebehoorende aan een van beyde de parthyen, hunne onderdanen of ingezeetenen, op de kusten of dominien van den enderen zullen komen to stranden, vergaan, of eenige andere zee-schade te lyden, zal alle vriendelyke assistentie en hulp worden gegeeven aan de persoonen schip-breuk geleeden hebbende, of die zig in gevaar daar van zullen bevinden; en de scheepen, goederen en koopmanschappen, et hat geen daarvan ge-borgen

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being claimed within a year and a day by the masters or owners, or their agents or attorneys, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: there shall also be delivered them, safe conducts or passports for their free and safe passage from thence, and to return, each one, to his own country.

The vessels of either party, if driven by stress of weather into the ports of the other, to be treated with humanity.

ART. 17. In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbor, to retreat and enter into any of the rivers, creeks, bays, ports, roads, or shores, belonging to the other party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Nine months allowed, in case of war, to either party, residing in the territories of the other, to dispose of their effects.

ART. 18. For the better promoting of commerce on both sides, it is agreed, that if a war should break out between their high mightinesses the states general of the United Netherlands and the United States of America, there shall always be granted to the subjects on each side, the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and to transport them where they please, which it shall be lawful for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessels and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary

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zal zyn, of het provenu van dien, by aldien die goederen verderffelky zynde, zullen weezen verkogt, alle door de schippers of door de eigenaars, of van haare geleste; of volmagt hebbende, binnen jaar en dag gereclameert wordende, worden gerestitueert; mits betalende alleen de reedelyke onkosten, en het geen voor bergloon door de eige onderdanen, in het zelve geval, betaalt moet worden; zullende insgelyks brieven van vrygeley aan hun worden gegeeven, voor hunne vrye en geruste passage van daar, enretour van een ieder na syn eigen land.

Art. 17. Ingevalle de onderdanen of ingezeeteenen van een der beide parthyen, met hunne scheepen, het zy publique en ten oorlog verende, of bysondere en ter koopvaardy uitgerust, door onstuimig weer, najaaging van zeerovers of vyanden, of eenige andere dringendg nood, gedwongen zullen worden, ter bekoming van een schuilplaats en haven, zig te retireeren en binnen te loopen in eenige der rivieren, creeken, baayen, havens, rheeden of stranden, toebehoorende aan de andere parthye, zullen dezelve met alle menschlievendhied en goedwilligheid werden ontfangen, en alle vriendelyke protectie en hulp genieten, en zal hun worden toegestaan zig te ververschen en proviandeeren, teegens reedelyke prysen met victuaille, en alle dingen benodigt tot onderhoud van haare personen, of reparatie van hunne scheepen, en zy zullen op geenerley wys worden opgehouden, of verhindert uit de gemelde havens of rheeden te vertrekken, maar mogen verzylen en gaan wanneer en waar het hun behaagt, zonder eenig belet of verhindering.

Art. 18. Tot des te beeter voortzetting der weedersydsche commercie, is overeengekomen, dat indien een oorlog mogt komen te ontstaan, tuschen haar hoog mogende de staaten generaal der Vereenigde Nederlanden, en de Vereenigde Staaten van America, altyd aan de onderdanen van de een of andere zyde zal worden gegeeven den tyd van neegen negeeven maanden, na dato van de rupture of proclamatie van oorlog, om haar te mogen retireeren met haare effecten, endeselve te vervoeren, waar het haar gelieven zal, het welk haar geoorloft zal zyn te mogen doen; als meede te mogen verkoopen of transporteeren haare goeden en meubilien in alle vryhied; sonder dat men haar daar in eenig belet zal doen; ook zonder gedurende den tyd van de voorsz: neegen maanden te mogen procedeeren tot eenig arrest van haare effecten, veel min van haare personen, maar sullen inteegendeel voor haare scheepen, en

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for the voyage. And no prize made at sea shall be adjudged lawful, at least if the declaration of war was not or could not be known, in the last port which the vessel taken has quitted, but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the interval of the said terms, a complete satisfaction shall be given them.

The citizens of neither party to take commissions, or letters of marque from a state with whom the other is at war.

ART. 19. No subject of their high mightinesses the states general of the United Netherlands, shall apply for or take any commission or letters or marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the said United States of America may happen to be at war; nor shall any subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the high and mighty lords the states general of the United Netherlands, or against the subjects of their high mightinesses, or any of them, or against the property of any one of them, from any prince or state with which their high mightinesses may be at war: and if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

The vessels of either party entering the ports of the other, and unwilling to break bulk, permitted to depart without paying duty.

ART. 20. If the vessels of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargo, they shall not be obliged to pay neither for the vessels nor the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandises of contraband.

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effecten, die zy zullen willen meedevoeren, worden gegeeven pasporten van vry geleide, tot de naeste, havenen, in elkanders landen voor den tyd, tot de reizen nodig. Ook zullen geen prysen op zee genomen voor wettig gehouden mogen worden, ten minsten indien de oorlogs-declaratie niet bekend was geweest, of had kunnen zyn in de haven, die het genomen schip het laast heeft verlaten; maar zal voor al het geen aan de onderdanen ingezeetenen van weedersyden binnen de voorscz: termynen, ontnomen mogt zyn, en de beleedigingen, die hun aangedaan zouden mogen zyn, volkomen satisfactie gegeeven worden. 1782. October 8.

Art. 19. Geen onderdaan van haar hoog mogende de staaten generaal der Vereenigde Nederlanden, zullen mogen versoeken of aanneemen eenige commissien, of lettres de marque, tot het wapenen van eenig schip, of scheepen, ten einde als kapers te ageeren tegens de gemelde Vereenigde Staaten van America, of eenige der zelve, of tegens de onderdanen of ingezeetenen der gemelde Vereenigde Staaten, of eenige der zelve, van eenige prins of staat, met wien de voorsez: Vereenigde Staaten van America in oorlog mogen zyn; noch zal eenige onderdaan of ingezeeten van de gemelde Vereenigde Staaten van America, of eenige derselve, eenige commissie of lettres de marque versoeken of aanneemen, tot het wapenen van eenig schip of scheepen, om ter kaap te vaaren tegens de hoog mogende heeren staaten generaal der Vereenigde Nederlanden, of tegens de onderdanen of ingezeetenen van gemelde haar hoog mogende, of eenige van deselve, of den eigendom van eenige derzelve, van eenige prins of staat, met wien haar hoog mogende in oorlog zullen zyn; en indien eenig persoon van een van beide natien zodanige commissie of lettres de marque zal aanneemen, zal dezelve als een zeerover worden gestraft.

Art. 20. De scheepen der onderdanen of ingezeetenen van een van beide de parthyen, komende aan eenige kust toebehoorende aan de een of andere der gemelde bondgenooten, doch niet voorneemens zyn de in een haven binnen te loopen, of binnen geloopen zynde, en niet begeerende hunne ladingen te lossen, of last te breeken, of by te laden, zullen niet gehouden zyn voor haare scheepen of ladingen eenige inkomende, of uitgaende regten te betalen, nog eenige reekenschap van haare ladingen te geeven, ten minsten indien er geen wettig vermoeden is dat zy aan een vyand toevoeren koopmanshap van contrebande.

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Consuls allowed residence in each others seaports.

ART. 21. The two contracting parties grant to each other, mutually, the liberty of having each in the ports of the other, consuls, vice consuls, agents, and commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chooses to make such appointment.

This treaty not to derogate from the 9th, 10th, 17th & 22d articles of the treaty of the 6th Feb. 1778, &c.

ART. 22. This treaty shall not be understood in any manner to derogate from the ninth, tenth, nineteenth, and twenty-fourth articles of the treaty with France, as they were numbered in the same treaty, concluded the 6th of February, 1778, and which make the articles ninth, tenth, seventeenth, and twenty-second of the treaty of commerce now subsisting between the United States of America and the crown of France: nor shall it hinder his catholic majesty from acceding to that treaty, and enjoying the advantages of the said four articles.

The United Netherlands, by means of their consuls, to aid the U. States in forming treaties with the Barbary powers.

ART. 23. If at any time the United States of America shall judge necessary to commence negotiations with the king or emperor of Morocco and Fez, and with the regencies of Algiers, Tunis, or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean sea, their high mightinesses promise, that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favorable manner, by means of their consuls, residing near the said king, emperor, and regencies.

Contraband specified.

ART. 24. The liberty of navigation and commerce shall extend to all sorts of merchandises, excepting only those which are distinguished under the name of contraband, or merchandises prohibited, and under this denomination of contraband and merchandises prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gunpowder, salt petre, sulphur, match, bullets and balls, pikes, sabres, lances, halberds, casques, cuirasses, and other sorts of arms: as also soldiers, horses, saddles and furniture for horses; all other effects and merchandises not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessels of war, or for the manufacture of one or another sort of machines of war by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband. So that all effects

Discrimination with respect to goods not contraband.

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ART. 21. De twee contracteerende partyen vergunnen over en weeder aan elkanderen de vryheid, om ieder in de havens van den anderen, consuls, vice consuls, agenten en commissarissen van hunne eigen aanstelling te hebben, welkers functien gereguleert zullen worden by particuliere overeenkomst, wanneer ooit eene der beide partyen goedvind zodanige aanstelling te doen.

ART. 22. Dit tractaat zal in geenerhande opsigten verstaen worden te derogeeren aan de 9, 10, 19en 24ste articulen, van het tractaat met Vrankryk, soo als die genummert zyn gewees in het zelve tractaat den 6 February, 1778, geslooten, zynde de 9, 10, 17en 22ste articulen van het tractaat van commercie, soo als het nu in kragt is tusschen de Vereenigde Staaten van America, en de kroon van Vrankryk: en zal meede niet beletten, dat syne catholique majesteit aan t'zelve zoude accedeeren, en van het beneficie der gemelde vier articulen jouisseeren.

ART. 23. By aldien de Vereenigde Staaten van America, t'eeniger tyd, nodig mogten vinden, om by den koning of keizer van Marocco of Fez, mitsgaders by de regeeringen van Algiers, Tunis of Tripoli, of by eenige van dezelve, negotiatien te entameeren tot het verkrygen van pasporten ter beveiliging van hunne navigatie op de middelandsche zee, zoo beloven haar hoog mogende, op het aanzoek van hoogstgedagte Vereenigde Staaten, die negotiatien, door middel van hunne by den voersz: koning of keizer en regeeringen residerende consuls op de favorabelste wyze te zullen secondeeren.

ART. 24. De vryheid van navigatie en commercie zal zig uitstrekken tot alle sorteen van koopmanschappen, nitgesondert alleen deeze, welke onderscheiden zyn onder den naam van contrabande of verbodene goederen: en onder deeze benoeming van contrabande of verbodene goederen, zullen alleen begreepen zyn de oorlogs ammunitien, of wapenen, als mortieren, geschut met zyne vuurwerken, en het geen daar toebehoort; geweeren, pistoolen, bomben, granaden, buspulver, sal-peeter, swavel, lonten, kogels, pieken, swaarden, lancien, helbaarden, criquetten, cuirassen, en diergelyk soort van wapentuig, ook soldaten, paarden, zadels, en toerusting van paarden. Alle andere goederen en koopmanschappen, hier boven niet uitdrukkelyk gespecificeert, jaa selfs alle soorten van scheepsmaterialen, hoe zeer dezelve ook zouden mogen zyn geschikt, tot het bouwen of equipeeren van oorlogscheepen of tot het maken van het een of ander oorlogstuig te water of te lande, zullen mits dien, nog volgens den lettre, nog volgens

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and merchandises, which are not expressly beforenamed, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked, or invested; and those places only shall be held for such, which are surrounded nearly by some of the belligerent powers.

Blockade defined.

Sea-letter regulations.

ART. 25. To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessels belonging to the subjects or inhabitants of the other ally, shall be provided with sea-letters or passports, expressing the name, the property, and the burden of the vessel, as also the name and the place of abode of the master, or commander of the said vessel, to the end, that thereby it may appear, that the vessel really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed according to the form annexed to this treaty; each time that the vessel shall return, she should have such her passport renewed, or at least, they ought not be of more ancient date than two years, before the vessel has been returned to her own country.

Regulations for the papers of merchant ships.

It has been also agreed, that such vessels, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other public documents, which are ordinarily given to vessels outward bound in the ports from whence the vessels have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination; or, instead of all these, with certificates from the magistrates or governors of cities, places, and colonies, from whence the vessel came, given in the usual form, to the end that it may be known, whether there are any effects prohibited or contraband, on board the vessels, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to express in the said documents, the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

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eenige voor te wende interpretatie van dezelve, hoe ook genaamt, onder verbodene, of contraband goederen begreepen kunnen of mogen worden: zoo dat alle dezelve goederen, waaren en koopmanschappen, hierboven niet uytdrukkelyk genoemt, sonder eening onderscheid zullen mogen worden getransporteert, en vervoerd in alle vryheid door de onderdanen en ingezeetenen van beide bondgenooten, van en na plaatsen aan den vyand toebehoorende, zodanige steeden of plaatsen alleen uit gezondert, welke op die tyt beleegert, geblocqueert of geinvesteert zyn, waar voor alleenlyk worden gehouden de zulke, die door een der oorlogvoerende mogendheeden van na by ingeslooten worden gehouden.

Art. 25. Ten einde alle dissentie en twist mag worden vermyd en voorgekomen, is overeengekomen, dat ingeval een van beide de parthyen in oorlog mogt komen te geraken, de scheepen en vaartuigen, toebehoorende aan de onderdanen of ingezeetenen van de andere geallieerde, met zeebrieven of pasporten moeten werden voorsien, expresseerende den naam, eigendom en de groote van het schip of vaartuig, als meede den naam, plaats of wonnige van den schipper of bevelhebber van het gemelde schip ef vaartuig, ten einde daar by mag blyken, dat het schip reëel en in waarheid aan de onderdanen of ingezeetenen van eene der parthyen toebehoord welk paspoort zal worden opgemaakt en uitgegeeven volgens het formulier agter dit tractaat gevoegt. Deselve zullen ieder reise, dat het schip t'huys is geweest, op nieuw verleent moeten zyn, of ten minsten niet ouder mogen zyn, als twee jaar, voor de tyd, dat het schip laast is t'huys geweest.

Het is insgelyks vastgestelt, dat zodanige scheepen of vaartuigen gelaaden zynde, moeten weesen voorsien niet alleen met paspoorten of zeebriven bovengemeld; maar ook met een generaal passpoort, of particuliere pasporten, of manifesten, of andere publicque documenten, die in de havenen, van waar de scheepen laast gekomen zyn, gewoonlyk gegeeven worden aan de uitgaende scheepen, inhoudende een specificatie van de landing, de plaats van waar het schip gezeilt is, en waar heenen het gedestineert is, of by gebreeke van alle deselve, met certificaten van de magistraten, of gouverneurs der steeden, plaatsen en colonien, van waar het schip vertrokken is, in de gewoone form gegeeven, op dat geweeten kan werden, of eenige verboode of contraband goederen aan boord van de scheepen zyn, en of zy daar meede na's vyands landen gedestineert zyn, ef niet. En by aldien iemand goetdunk, of raadzaam vind, om in de gemelde bescheiden uit te drukken

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Armed vessels visiting a merchantman to remain out of the reach of cannot shot, &c.

ART. 26. If the vessels of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessel of war or privateer, or other armed vessel of the other party, the said vessels of war, privateers, or armed vessels, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessel, which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessel, according to the form annexed to this treaty: and the vessel, after having exhibited such a passport, sea-letter, and other documents, shall be free to continue her voyage, so that it shall not be lawful to molest her, or search her in any manner, nor to give her chase, nor to force her to alter her course.

Commanders of U. S. vessels, may engage American seamen in the ports of Holland.

ART. 27. It shall be lawful for merchants, captains, and commanders of vessels, whether public and of war, or private and of merchants, belonging to the said United States of America, or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessels, in any port or place in the jurisdiction of their high mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said states, upon such conditions as they shall agree on, without being subject for this, to any fine, penalty, punishment, process, or reprehension whatsoever.

And commanders of Dutch vessels may engage Dutch seamen in ports of the U. States.

And reciprocally, all merchants, captains, and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said United States of America, the same privilege of engaging and receiving seamen or others, natives or inhabitants of any country of the denomination of the said states general: provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under the command of whom

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de persoonen, aan wien de aan boord zynde goederen toekomen, vermag hy zulks vryelyk te doen; sonder egter daar toe gehouden te syn, of dat gebrek van die uitbrukking geleegenheid tot confiscatie kan of mag geeven. 1782. October 8.

Art. 26. Indien de scheepen of vaartuigen van de gemelde onderdanen of ingezeetenen van een van beide de parthyen, zeilende langs de kusten of in de open zee, ontmoet zullen worden door eenig schip van oorlog, kaper of gewapend vaartuig van de andere parthy zullen de gemelde oorlog scheepen, kapers of gewapende vaartuigen tot vermyding van alle disordre, buiten bereik van het geschut blyven, dog hunne booten mogen zenden aan boord van koopvaardyschepen, welke zy op die wys zullen ontmoeten, en op het zelve mogen overgaan ten getalle alleen van twee a drie man, aan wien de schipper of bevelhebber van zodanig schip of vaartuig zyn pasport zal vertoonen, inhoudende den eigendom van het schip of vaartuig, ingevolge het formulier agter dit tractaat gevoegt, en zal het schip of vaartuig na de vertoning van dusdanig pasport, zeebrief en verdere bescheiden, vry en liber zyn om deszelfs reis te vervolgen, zoo dat neit geoorloft zal zyn het zelve op eenigerhande wyse te molesteeren of doorzoeken; nog jagt op haar te maken, of het selve te foorceeren haare voorgenomen cours te verlaaten.

Art. 27. Het zal geoorloft zyn aan kooplieden, capiteins, en bevelhebbers van scheepen, het zy publique en ten oorlog, of particuliere en ter koopvaardy vaarende, toebehoorende aan de gemelde Vereenigde Staaten van America, of eenige van deselve, of aan de onderdanen, en ingezeetenen van eenige der zelve, vryelyk in hunne dienst aan te neemen, en aan boord van haare gemelde scheepen te ontfangen, in iedere der havens of plaatsen onder de jurisdictie van voornoemde haar hoog mogende, eenige bootsgezellen of anderen, zynde inboorlingen of ingezeetenen van eenige der gemelde Staaten, op zulke voorwaarden, als zal werden overeen gekomen, zonder daar voor aan eenige boete, pœne, straffe, proces of berisping hoegenaamt, onderheevig te zyn.

En zullen reciproquelyk alle kooplieden, capiteinen en bevelhebbers van scheepen, behoorende tot de voorsz: Vereenigde Nederlanden, in alle de havens en plaatsen, onder het gebied van de gemelde Vereenigde Staaten van America, het zelve voorregt genieten tot aanneeming en ontfangen van bootsgezellen of anderen, zynde inboorlingen of ingezeetenen van eenige der domeinen van de gemelde Staaten Generaal, met dien verstande, dat men nog aan de eene nog aan de an-

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1782. October 8. such persons may be found, will not of his own consent discharge them from their service; upon pain of being otherwise treated and punished as deserters.

The refraction [with respect to tobacco] to be properly regulated, in case of complaint.

ART. 28. The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

Ratifications to be exchanged in six months.

ART. 29. The present treaty shall be ratified and approved by their high mightinesses the states general of the United Netherlands, and by the United States of America; and the acts of ratification shall be delivered, in good and due form, on one side and on the other, in the space of six months, or sooner, if possible, to be computed from the day of the signature.

In faith, we, the deputies and plenipotentiaries of the lords the states general of the United Netherlands, and the minister plenipotentiary of the United States of America, in virtue of our respective authorities and full powers, have signed the present treaty, and apposed thereto the seals of our arms.

Done at the Hague, the eighth of October, one thousand seven hundred and eighty-two

[L. S.] JOHN ADAMS.

The form of the passport, which shall be given to ships and vessels, in consequence of the 25th article of this treaty.

Form of the passport required by art. 25th, of the preceeding treaty. [See page 154.]

To all who shall see these presents greeting: Be it known, that leave and permission are hereby given to ——, master or commander of the ship or vessel, called ——, of the burden of ——— tons, or thereabouts, lying at present in the

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der zyde zig zal mogen bedienen van sodanige zynet landsgenooten, die zig reeds in dienst van de andere contracteerende parthye, het zy ten oorlog, het zy men deselve aan de vaste wal, dan wel in zee zoude mogen ontmoeten, ten minsten indien de capiteinen of schippers, onder wiens bevel zodanige persoonen zig mogten bevinden, deselve niet vrywillig uit hunnen dienst wilde ontslaan, op pœne dat dezelve andersints op den voet van weglopers zullen worden bahandelt en gestraft.

Art. 28. De toeleg voor rèfractie, sal in alle redelykheid en billykheid worden gereguleert, by de magistraten der respective steeden, alwaar men oordeelt, dat eenige bezwaaren desweegens plaets hebben.

Art. 29. Het tegenwoordig tractaat zal werden geratificeert en geapprobeert by Hoogstgemelde staaten generaal der Vereenigde Nederlanden, en Hoog gemelde Vereenigde Staaten van America, en zullen de acten van ratificatien van de eene ende andere syde in goede ende behoorlyke forme werden overgeleevert binnen den tyt van zes maanden, ofte eerder zo het zelve kan geschieden, te reekenen van: dag van de onderteekening.

Ten oirkonde deeses, hebben wy gedeputeerden en plenipotentiarissen van de Heeren staten generaal der Vereenigde Nederlanden en minister plenipotentiaris der Vereenigde Staaten van America, uit kragte van onze respective authorisatie en pleinpouvoir, deeze onderteekent, en met onze gewoone cachetten bekragtigt.

In den Hage, den agtste October, seventien hondert twee en tagtig.

[L. s.] GEORGE VAN RANDWYCK,
[L. s.] B. V. D. SANTHEUVEL,
[L. s.] P. V. BLEISWYK,
[L. s.] W. C. H. VAN LYNDEN,
[L. s.] D. I. VAN HEECKEREN,
[L. s.] JOAN KUFFELER,
[L. s.] F. G. VAN DEDEM,
tot den Gelder,
[L. s.] H. TJASSENS.

Formulier van het pasport dat gegeeven zal worden aan de scheepen of vaartuigen ingevolge het 25e. artieul van dit tractaat.

Aan alle de geenen die deeze teegenwoordige sullen sien salut: doen te weeten, dat by deesen vryheid en permissie gegeeven werd aan ——, schipper en bevelhebber van het schip; of vaartuig genaemt —— van de ——, van ——

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port or haven of ——, bound for ——, and laden with ——; to depart and proceed with his said ship or vessel on his said voyage, such ship or vessel having been visited, and the said master and commander having made oath before the proper officer, that the said ship or vessel belongs to one or more of the subjects, people, or inhabitants of ——, and to him or them only.

In witness whereof, we have subscribed our names to these presents, and affixed the seal of our arms thereto, and caused the same to be countersigned by ——, at ——, this —— day of ——, in the year of our Lord Christ ——.

Form of the certificate which shall be given to ships or vessels, in consequence of the 25th article of this treaty.

Form of the certificate required by the 25th article.—See page 154.

We, ——, magistrates, or officers of the customs, of the city or port of ——, do certify and attest, that on the —— day of ——, in the year of our Lord ——, C. D. of ——, personally appeared before us and declared, by solemn oath, that the ship or vessel called ——, of —— tons or thereabouts, whereof ——, of ——, is, at present master or commander, does rightfully and properly belong to him or them only; that she is now bound from the city or port of ——, to the port of ——, laden with goods and merchandises, hereunder particularly described and enumerated, as follows:

In witness whereof, we have signed this certificate, and sealed it with the seal of our office, this —— day of ——, in the year of our Lord Christ ——.

Form of the sea letter.

Form of the sea-letter, required by the 25th article.—See page 154.

Most serene, serene, most puissant, puissant, high, illustrious, noble, honorable, venerable, wise and prudent lords, emperors, kings, republics, princes, dukes, earls, barons, lords, burgomasters, schepens, councillors; as also judges, officers, justiciaries, and regents, of all the good cities and places, whether ecclesiastical or secular, who shall see these patents or hear them read:

We, burgomasters and regents, of the city of ——, make known that the master of ——, appearing before us has declared, upon oath, that the vessel called ——, of the bur-

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groot tonnen of daar omtrent, leggende teegenswordig in de haven van ——, gedestineert naar ——, en belaaden met ——, om te vertrekken, en met zyn schip of vaartuig deszelfs gemelde reize voorttezetten, zodanig schip of vaartuig gevisiteert zynde, en de voorn: schipper of bevelhebber onder eede, voor den daer toe gestelden officier, verklaart hebbende, dat t'gem: schip of vaartuig aan een of meerder orderdanen volk of ingezeetenen van ——, toebehoort, en aan hem (:of hun:) alleen. 1782. October 8.

In getuigenis waar van wy deeze toegenswoordige met onze naemen hebben onderteckent, en het zeegel van ons waepen daar aan gehegt. en het zelve doen contrasigneeren door ——, tot ——, deezen ——, dag van —— in't yaer onzes heeren Christi ——.

Formulier van het certificaat het welk aan de scheepen of vaartuigen zal werden gegeeven ingevolge het 25e. artieul van dit tractaat.

Wy, —— de magistraat (:of fficieren der convoyren:) van de stad of haven van ——, certificeeren en attesteeren dat op den —— dag van ——, in het yaar onzes heeren ——, C. D. van ——, in persoon voor ons is gecompareert, en onder solemneelen eehe hekt verklaart, dat het schip óf vaartuig genaamt ——, van ——, tonnen of daar omtrent, waar van ——, van ——, teegens woording schipper of bevelhelber is, geregtelyk en behoorlyk aan hem (:ef hun:) alleen is toebehoorende: Dat het zelve thans gedestineert is van de stad of haaven van ——, na de haaven van ——, gelaaden met goederen en koopmanscappen hier onder particulier gespecificeet in opgenvemt als volgt.

In getuigenis waar wan wy dit certificaat hebben onderteekent, en met het zeegel van ons officie bekragtigt deezen —— dag van ——, in het yaar onzes heeren Christi ——.

Formulier van zee-brief.

Alder doorluchtigste, doorluchtigste, doorluchtigste, grootmachtigste, grootmagtige, hoogh ende wel geboorne, wel edele, erentfeste achtbaare, wyze, voorsienige heeren, keiseren, koningen, republiquen, princen, fursten, hertogen, graeven, baronnen, heeren, burgemeesteren, scheepenen, raden, mitsgaders rechteren, officieren, justicieren ende regenten, aller goede steeden en plaatsen, het zy geestelyke of waeraldyke die deeze opene letteren zullen sien of te hooren leesen:

Doen wy burgemeesteren en regeerders der stad ——, te weeten, dat schipper ——, van ——, (:voor ons compareerende:) by solemneelen eede verklaert heeft, dat het schip

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den of about ——— lasts, which he at present navigates, is of the United Provinces, and that no subject of the enemy have any part or portion therein, directly nor indirectly; so may God Almighty help him: And, as we wish to see the said master prosper in his lawful affairs, our prayer is to all the before mentioned, and to each of them separately, where the said master shall arrive with his vessel and cargo, that they may please to receive the said master with goodness, and to treat him in a becoming manner, permitting him, upon the usual tolls and expenses, in passing and repassing, to pass, navigate, and frequent the ports, passes, and territories, to the end to transact his business, where, and in what manner he shall judge proper: whereof we shall be willingly indebted.

In witness, and for cause whereof, we affix hereto the seal of this city.

(In the margin.)

By ordinance of the high and mighty lords the states general of the United Netherlands.

[ORIGINAL.]

No. 2.—*Convention between the lords the states general of the United Netherlands and the United States of America, concerning vessels recaptured.*

Convention relative to prizes and recaptures.

The lords the states general of the United Netherlands, and the United States of America, being inclined to establish some uniform principles with relation to prizes made by vessels of war, and commissioned by the two contracting powers, upon their common enemies, and to vessels of the subjects of either party, captured by the enemy, and recaptured by vessels of war commissioned by either party, have agreed upon the following articles:

Recaptured vessels not having been 24 hours in possession of an enemy of either party to be restored, on payment of one third sal-

Art. 1. The vessels of either of the two nations recaptured by the privateers of the other, shall be restored to the first proprietor, if such vessels have not been four and twenty hours in the power of the enemy, provided the owner of the vessel recaptured, pay therefor one third of the value of the vessel, as also of that of the cargo, the cannons and apparel, which

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genoemd ———, groot omtrent ——— lasten, 't welk hy althans voert in de geunieerde provincien t'huys behboord, en dat geen onderdanen van den vyand daer in direct of indirect eenigee portie of deel hebben, soo waarlyk moest hem God Almagtig helpen: Ende want wy den voorsz: schipper gaerne gevordert zagen, in syne rechtvaerdige zaaken, zoo is ons versoek allen voornoemt, ende yder in het bysonder daar den voornoemden schipper met zyn schip ende ingelaaden goederen komen zal, dat dezelve gelieven den voornoemden schipper goedelyken te ontfangen en behoorlyk te tracteeren, gedoogende hem op syne gewoonelyke tollen ende ongelden in het door ende voorby vaaren, havenen, stroomen en gebied te passeeren, vaaren en frequenteeren omme syne negotie te doen, daar en soo hy te raede vinden zal, het welk wy gaerne willen verschuldigen. 1782. October 8.

Des t'oirconde deeser steede zeegel ter oersaeke hier aan hangende den.

(In margine staat)

Ter ordonnantie van de hoog ende mogende heeren staaten generaal der Vereenigde Nederlanden.

ORIGINEEL.

Conventie tusschen de heeren staaten generaal der Vereenigde Nederlanden ende Vereenigde Staaten van America, rakende de hernomen scheepen.

De heeren staaten generaal der Vereenigde Nederlanden, en Vereenigde Staaten van America, geneegen synde, eenige gelykvormige gronde beginzelen vast te stellen, omtrent het opbrengen van prysen, door de oorlogscheepen en commissievaarders van wedersyds contracteerende parthyen, op der selver gemeene vyanden genomen, en omtrent de scheepen van elkanders onderdanen door den vyand genomen, en by de oorlogscheepen en commissievaarders van weedersyden hernomen, zyn met den anderen overeengekomen; omtrent de navolgende articulen.

Art. 1. De scheepen van eene der beide natien door kapers van den andere hernomen, zullen aan den eersten eigenaer wedergegeeven worden, indien die scheepen nog geen vier en twintig uuren in de magt van den vyand geweest zyn, mits door den eigenaer van het hernome schip daar voor betaald worde een derde van de waarde van het schip mitsgaders van

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third shall be valued by agreement, between the parties interested, or, if they cannot agree thereon among themselves they shall address themselves to the officers of the admiralty, of the place where the privateer who has retaken the vessel shall have conducted her.

vage to the privateersmen.

Vessels recaptured more than 24 hours to be entire prizes to privateersmen.

ART. 2. If the vessel recaptured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has retaken her.

Vessels of either party recaptured by public vessels of the other, to be restored on payment of a 30th part, if 24 hours in possession of an enemy, if longer, a 10th part.

ART. 3. In case a vessel shall have been recaptured by a vessel of war, belonging to the states general of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons, and apparel, if she has been recaptured in the interval of twenty-four hours, and the tenth part if she has been recaptured after the twenty-four hours; which sums shall be distributed in form of gratifications to the crews of the vessels which shall have retaken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenor of the first article of the present convention.

Restitution of re-captured vessels, to be made in a reasonable time on surety being given.

ART. 4. The restitution of prizes, whether they may have been retaken by vessels of war or by privateers, in the mean time and until requisite and sufficient proofs can be given of the property of vessels recaptured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

Vessels of war and privateers, to be admitted with their prizes into the ports of both nations, if not inconsistent with the 22d article of the treaty of commerce.

ART. 5. The vessels of war and privateers, of one and the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each, with their prizes, which may be unloaded and sold according to the formalities used in the state where the prize shall have been conducted, as far as may be consistent with the twenty-second article of the treaty of commerce: provided always, that the legality of prizes by the vessels of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessels, shall be judged according to the laws and regulations determined by the United States of America.

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de lading, canons, en sceepstoerustingen, welk derde in der minne begroot zal wbrden door de geinteresseerde partyen; of andersints, en zoo zy desweegens niet over een konden komen zullen zy zich addresseeren aan de bedienden der admiraliteit van de plaats alwaar de kaper die het schip hernomen heeft, het zelve zal hebben opgebragt.

Art. 2. Indien het hernomen schip lanner dan vier en twintig nuren in's vyands magt geweest is, zal het in't geheel aan den kaper, die het zelve hernomen heeft, toebehooren.

Art. 3. Ingevalle een schip zal hernomen geweest zyn door een oorlog schip of vaartuig, toebehoorende aan de staaten generaal der Vereenigde Nederlanden of aan de Vereenigde Staten van America, zal het zelve aan den eersten eigenaer weder tegeeven worden, mits betalende een dertigste gedeelte van de waarde van het scip en deszelfs lading, canons en sgheepstoerustingen, by aldien het binnen de vier en twintig uuren hernomen is, en het tiende gedeelte zoo het na de vier en twintig uuren hernomen is: welke sommen als een gratificatie verdeeld zullen worden onder de equipagien van de scheepen die het zelve hernomen zullen hebben. De begroting der bovengemelde dertigste, en tiende gedeeltens zal gereguleerd worden naar luid van het eerste articul der tegenswoordige conventie.

Art. 4. De restitutie der pryzen, het zy door oorlogscheepen of kapers hernomen, zal ondertusschen en tot dat behoorlyk en voldoende bewys van dat eigendom der hernomen scheepen geveeven kan werden, onder suffisante cautie wegens het nakomen der bovenstaande articulen, binnen een reedelyken tyt geadmitteert werden.

Art. 5. De oorlog-en kapor scheepen van de eene en de andere der beide natien zullen wederzyds, zoo in Enropa als in de andere weereldsdeelen in elkanders respective havens toegelaten worden met hvnne pryzen, welke aldaar zullen mogen ontladen en verkocht worden, naar de formaliteiten gebruikelyk in den staat, alwaar de prys zal weezen opgebracht, soo ver het bestaanbaar is met het 21ste articul van het tractaat van commercie, met dien verstande, dat de wettigheid der pryzen door Nederlandsche scheepen gemaakt zal beslist worden, naar luid der wetten en reglementen, te deezer zake in de Vereenigde Nederlanden, vast gestelt, gelyk ook die der pryzen door Americaansche scheepen gemaakt, zal beoordeelt worden volgens de wetten en reglementen by de Vereenigde Staaten van America bepaald.

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Each nation may make regulations respecting captures by privateers, &c.

ART. 6. Moreover, it shall be free for the states general of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessels and privateers ought to hold in relation to the vessels which they shall have taken and conducted into the ports of the two powers.

In faith of which, we, the deputies and plenipotentiaries of the lords the states general of the United Netherlands, and minister plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents and confirmed the same with the seal of our arms.

Done at the Hague, the eighth October, 1782.

[L. S.] JOHN ADAMS.

NOTES. These treaties, having no limitation, continued in force till the erection of the Kingdom of the United Netherlands, and the consolidation of the Dutch and Belgic provinces in 1814 and 1815;—being made with that part of the United Netherlands called "HOLLAND," in the treaty of Paris of 1814.—*See Appendix.*

There were also, in addition to the preceding treaties, several contracts entered into between the United States and the Netherlands, to wit:

1. The congress of the United States of America, by a contract which was ratified with that body, September 14, 1782, borrowed 5,000,000 of guilders, current money of the Netherlands, loaned to the United States, by certain individuals in Holland, through the negotiation of Messrs. Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and De la Lande and Fynje, merchants, in Amsterdam. This loan was obtained at five per cent. by John Adams, and was irredeemable for ten years; after which it was to be repaid by installments of one fifth in each succeeding year, the interest lessening in proportion. Ready money, American produce, or good bills of exchange, were to be transmitted in repayment.

2. By a contract, ratified by Congress, February 1, 1785, there was borrowed for the United States, by John Adams, under the negotiation of the same merchants, 2,000,000 of guilders, at an interest of 4 per cent. redeemable in certain specified annual payments, commencing Feb. 1, 1801, and ending Feb. 1, 1807. The repayments were to be made in ready money, good bills of exchange, or American produce.

3. By a contract entered into by John Adams, and ratified by congress on the 11th of Oct. 1787, there was loaned to the U. States, in Holland, 1,000,000 of guilders, at five per cent. interest, which loan was negotiated by Wilhelm, and Jan Willink, and Nicolaas and Jacob Van Staphorst, and was made irredeemable for ten years, at the expiration of which it was to be discharged by annual instalments of one-fifth, commencing on the 1st of June, 1793, and ending June 1, 1802. The payments, as in similar instances, were to be made in ready money, bills of exchange, or American produce.

4. There was a fourth sum borrowed of sundry merchants of Amsterdam, amounting to 1,000,000 of guilders, at five per cent. It was also effected by

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ART. 6. Voor het overige zal het aan de staaten generaal der Vereenigde Nederlanden, als meede aan de Vereenigde Staaten van America vry staan, zodanige reglementen te maken als zy zullen oordeelen te behooren; met betrekking tot het gedrag't geen hunne scheepen en kapers weedersyds verpligt zullen weezen te houden, ten opzigt der scheepen die zy genomen, en opgebragt zullen hebben in de havens der beide mogendheeden.

Ten oirkonde deeses, hebben wy gedeputeerden en plenipotentiarissen van de heeren staaten generaal der Vereenigde Nederlanden, en minister plenipotentiaris der Vereenigde Staaten van America, uit kragt van onse respective authorisatie en pleinpouvoir, deeze enderteekent, en met onze gewoone cachetten bekragtigt.

In den Hage, den 8ste October, 1782.

[L. S.] GEORGE VAN RANDWYCK,
[L. S.] B. V. D. SANTHEUVEL,
[L. S.] P. V. BLEISWYK,
[L. S.] W. C. H. VAN LYNDEN,
[L. S.] D. I. VAN HEECKEREN,
[L. S.] JOAN KUFFELER,
[L. S.] F. G. VAN DEDEM, *tot den Gelder*,
[L. S.] H. TJASSENS.

John Adams, and negotiated through the same mercantile hands, was made irredeemable for ten years, was to be repaid in annual instalments of one-fifth, between June 1, 1792, and June 1, 1803, and was ratified by congress on the 2d day of July, 1788.

In this collection it has not been deemed essential to insert all these contracts at large, although they required the sanction of congress to make them binding; because, being negotiated with individuals, they cannot be regarded as entered into between two sovereign powers.

The good faith of the United States has been inviolably preserved in relation to the fulfillment of all these contracts.

It may also be proper, in this note to state, that there were several contracts for the sale of Maryland and Virginia tobacco, between the U. States and the United Company of Farmers General of France, the first of which was concluded at Nantes, on the 30th of January, 1777, between Robert Morris and John James Nicholas Guerton, director general of the king's farms; by which it was agreed that every cargo of tobacco, arriving in France from the United States, on their account, should be sold to that company, during the then war with Great Britain. Advances, on these contracts, were occasionally made by the Farmers General to the United States.

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1783.
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TREATIES WITH SWEDEN.

TRANSLATION.

No. 1.—*A treaty of amity and commerce, concluded between his majesty the king of Sweden, and the United States of North America.*

The king of Sweden, of the Goths and Vandals, &c. &c. &c. and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of Newcastle, Kent and Sussex, on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states, and subjects; his majesty and the United States have thought that they could not better accomplish that end, than by taking for a basis of their arrangements the mutual interest and advantage of both nations, thereby avoiding all those burdensome preferences, which are usually sources of debate, embarrassment and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

Treaty establishing the rules of correspondence and commerce between the U. States & Sweden.

With this view, his majesty the king of Sweden has nominated and appointed for his plenipotentiary count Gustavus Philip de Creutz, his ambassador extraordinary to his most christian majesty, and knight commander of his orders; and the United States, on their part, have fully empowered Benjamin Franklin, their minister plenipotentiary to his most christian majesty: the said plenipotentiaries, after exchanging their full powers, and after mature deliberation in consequence thereof, have agreed upon, concluded, and signed the following articles:

Firm and inviolable peace and friendship.

ART. 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the king of Sweden, his heirs and successors, and the United States of America, and the subjects of his majesty, and those of the said states, and between the countries, islands, cities, and towns, situated under the jurisdiction of the king and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty, shall be perpetual

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ORIGINAL.

Traité d'Amitié et de Commerce, conclu entre sa majesté le roi de Suede et les Etats Unis de l'Amérique Septentrionale.

Le roi de Suede, des Goths, et des Vandales, &c. &c. &c. et les treize Etats Unis de l'Amérique Septentrionale, sçavoir: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pensylvanie, les comtés de Newcastle, de Kent, et de Sussex, sur la Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgie, desirant d'établir d'une manière stable et permanente les régles qui doivent être suivies relativement à la correspondance et au commerce que les deux parties ont jugé nécessaire de fixer entre leurs pays, états et sujets respectifs, sa majesté et les Etats Unis ont cru ne pouvoir mieux remplir ce but qu'en posant pour base de leurs arrangemens, l'utilité et l'avantage réciproques des deux nations, en évitant toutes les préferences onereuses qui sont ordinairement une source de discussions, d'embarras et de mécontentements; et en laissant à chaque, partie la liberté de faire au sujet du commerce et de la navigation, les réglemens interieurs qui seront à sa convenance.

Dans cette vue sa majesté le roi de Suede a nommé et constitué pour son plénipotentiaire le comte Gustave Phillipe de Creutz, son ambassadeur extraordinaire près sa majesté très chrétienne et chevalier commandeur de ses ordres; et les Etats Unis ont de leur côté pourvû de leurs pleinpouvoirs le sieur Benjamin Franklin, leur ministre plénipotentiaire près sa majesté très chrétienne; les quels plénipotentiaires après avoir échangé leurs pleinpouvoirs et en conséquence d'une mûre déliberation ont arrêté, conclu, et signé les articles suivants:

Art. 1. Il y aura une paix ferme, inviolable et universelle, et une amitié vraie et sincere entre le roi de Suede, ses héritiers et successeurs, et entre les Etats Unis de l'Amérique, ainsi qu'entre les sujets de sa majesté et ceux des dits états, comme aussi entre les pays, isles, villes et places, situées sous la jurisdiction du roi, et des dits Etats Unis, sans exception aucune de personnes et de lieux; les conditions stipulées

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and permanent between the king, his heirs and successors, and the said United States.

Neither party to grant favors in commerce, &c. to other nations that shall not become common to the other party.

ART. 2. The king and the United States engage mutually, not to grant hereafter any particular favor to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Subjects of Sweden not to pay no higher duties in the U. States, than the most favored nations.

ART. 3. The subjects of the king of Sweden shall not pay in the ports, havens, roads, countries, islands, cities, and towns, of the United States, or in either of them, any other nor greater duties or imposts, of what nature soever they may be, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

Citizens of the U. States not to pay higher duties in the ports of Sweden than the most favored nations.

ART. 4. The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities, and towns, under the dominion of the king of Sweden, any other or greater duties or imposts of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties privileges, immunities, and exemptions in trade, navigation, and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of his said majesty, or in going to or from the same, from or to any part of the world whatever.

Liberty of conscience and of burial secured.

ART. 5. There shall be granted a full, perfect, and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship; provided he submits so far as regards the public demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

Citizens of both may dispose of their effects by will or other-

ART. 6. The subjects of the contracting parties in the respective states, may freely dispose of their goods and effects, either by testament, donation, or otherwise, in favor of such

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dans le présent traité devant être perpetuelles et permanentes entre le roi, ses héritiers et successeurs et les dits Etats Unis. 1783. April 3.

Art. 2. Le roi et les Etats Unis s'engagent mutuellement à n'accorder par la suite aucune faveur particulière en fait de commerce et de navigation à d'autres nations, qui ne devienne aussitôt commune à l'autre partie; et celle-ci jouira de cette faveur gratuitement si la concession est gratuite; ou en accordant la même compensation si la concession est conditionelle.

Art. 3. Les sujets du roi de Suede ne payeront dans les ports, havres, rades, contrées, isles, villes et places des Etats Unis, ou dans aucun d'iceux, d'autres ni de plus grands droits et impôts de quelque nature qu'ils puissent être que ceux que les nations les plus favorisées sont ou seront tenues de payer; et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions en fait de négoce, navigation et de commerce dont jouissent ou jouiront les dites nations, soit en passant d'un port à l'autre des dits états soit en y allant on en revenant de quelque partie ou pour quelque partie du monde que ce soit.

Art. 4. Les sujets et habitants des dits Etats Unis ne payeront dans les ports, havres, rades, isles, villes et places de la domination du roi de Suede, d'autres ni de plus grands droits ou impôts, de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont ou seront tenues de payer; et ils jouiront de tous les droits, libertés, priviléges, immunités, et exemptions en fait de négoce, navigation et commerce dont jouissent ou jouiront les dites nations, soit en passant d'un port à un autre de la domination de sa dite majesté, soit en y allant ou en revenant de quelque partie du monde ou pour quelque partie du monde que ce soit.

Art 5. Il sera accordé une pleine, parfaite et entière liberté de conscience aux habitants et sujets de chaque partie, et personne ne sera molesté à l'égard de son culte, moyennant qu'il de soumette, quantà la demonstration publique, aux loix du pays. De plus on permettra aux habitans et sujets de chaque partie, qui décédent dans le territoire de l'autre partie, d'être enterrés dans les endroits convenables et décents qui seront assignés à cet effet, et les deux puissances contractantes pourvoiront chacune dans sa jurisdiction, à ce que les sujets et habitants respectifs puissent obtenir les certificats de mort en cas qu'il soit requis de les livrer.

Art. 6. Les sujets des parties contractantes pourront dans les états respectifs disposer librement de leurs fonds et biens, soit par testament, donation ou autrement, en faveur de telles

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persons as they think proper; and their heirs, in whatever place they shall reside, shall receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects, which the subjects of the two parties, in changing their dwelling, shall be desirous of removing from the place of their abode shall be exempted from all duty called "*droit de détraction*," on the part of the government of the two states respectively. But it is at the same time agreed, that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigor. The United States on their part, or any of them, shall be at liberty to make respecting this matter, such laws as they think proper.

wise, in the territories of the other.

Free trade allowed to the ports of an enemy.

ART. 7. All and every the subjects and inhabitants of the kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the merchandises and cargoes may belong, from any port whatever; and the subjects and inhabitants of the two states shall likewise be permitted to sail and trade with their vessels, and with the same liberty and safety to frequent the places, ports, and havens, of powers, enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships and merchandises, that free ships shall make merchandise free, and that every thing which shall be on board of ships belonging to subjects of the one or the other of the contracting parties, shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both: it is nevertheless provided, that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed, that the same liberty be extended to persons who may be on board a free ship, with this effect, that although they be enemies to both or either of the parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

Free ships to make free goods

All persons except soldiers, in the service of an enemy, to be unmolested in free vessels.

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personnes que bon leur semblera et leurs héritiers dans quelque endroit où ils demeureront, pourront recevoir ces successions, même *ab intestato*, soit en personne, soit par un procureur, sans qu'ils aient besoin d'obtenir des lettres de naturalisation. Ces héritages, aussi bien que les capitaux et fonds que les sujets des deux parties, en changeant de demeure, voudront faire sortir de l'endroit de leur domicile, seront exemts de tout droit de détraction, de la part du gouvernement des deux états respectifs. Mais il est convenu en même, tems, que le contenu de cet article ne derogera en aucune manière aux ordonnances promulguées en Suede contre les emigrations, ou qui pourront par la suite être promulguées, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté, ou aucun d'entre eux, seront libres de statuer sur cette matière telle loi qu'ils jugeront à propos. 1783. April 3.

Art. 7. Il sera permis a tous et un chacun des sujets et habitans du royaume de Suede, ainsi qu'à ceux des Etats Unis; de naviguer avec leurs bâtimens en toute sureté et liberté, et sans distinction de ceux à qui les marchandises et leurs chargemens appartiendront, de quelque port que ce soit. Il sera permis également aux sujets et habitans des deux états de naviguer et de négocier avec leurs vaisseaux et marchandises, et de frequenter avec la même liberté et surete, les places, ports et havres des puissances ennemies des deux parties contractantes, ou de l'une d'elles, sans être aucunement inquiétés ni troublés, et de faire le commerce non seulement directement des ports de l'ennemi à un port neutre, mais encore d'un port ennemi à un autre port ennemi; soit qu'il se trouve sous la jurisdiction d'un même ou de différents princes. Et comme il est reçu par le présent traité par rapport aux navires et aux marchandises, que les vaisseaux libres rendront les marchandises libres, et que l'on regardera comme libre tout ce qui sera à bord des navires appartenants aux sujets d'une ou de l'autre des parties contractantes, quand même le chargement, ou partie d'ice lui appartiendroit aux ennemis de l'une des deux; bien entendu néanmoins que les marchandises de contreband seront toujours exceptées; les quelles étant interceptées, il sera procédé conformement à l'esprit des articles suivants. Il est également convenu que cette même liberté s'etendra aux personnes qui naviguent sur un vaisseau libre; de manière que quoi qu'elles soient ennemies des deux parties ou de l'une d'elles, elles ne seront point tirées du vaisseau libre, si ce n'est que ce fussent des gens de guerre actuellement au service des dits ennemis.

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ART. 8. This liberty of navigation and commerce shall extend to all kinds of merchandises, except those only which are expressed in the following article, and are distinguished by the name of contraband goods:

Free trade in all kinds of merchandise except contraband.

ART. 9. Under the name of contraband or prohibited goods, shall be comprehended arms, great guns, cannon balls, arquebusses, muskets, mortars, bombs, petards, granadoes, saucisses, pitch balls, carriages for ordnance, musket rests, bandoliers, cannon powder, matches, salt-petre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halberds, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

Contraband specified.

ART. 10. These which follow shall not be reckoned in the number of prohibited goods; that is to say: all sorts of cloths, and all other manufactures of wool, flax, silk, cotton, or any other materials, all kinds of wearing apparel, together with the things of which they are commonly made, gold, silver coined or unconined, brass, iron lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco, all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloth, anchors, and any parts of anchors, ship-masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use: all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article; so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods; on the contrary, they may be freely transported by the subjects of the king and of the United States, even to places belonging to an enemy, such places only excepted as are beseiged, blocked, or invested; and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

Discrimination with respect to goods not contraband.

Definition of actual blockade

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ART. 8. Cette liberté de navigation et de commerce s'étendra à toutes sortes de marchandises, à la reserve seulement de celles qui sont exprimées dans l'article suivant et designées sous le nom de marchandises de contrebande.

ART. 9. On comprendra sous ce nom de marchandises de contrebande ou défendues, les armes, canons, boulets, arquebuses, mousquets mortiers, bombes, petards, grenades, saucisses, cercles poissés, affûts, fourchettes, bandoulières, poudre à canon, meches, salpetre, souffre, balles, piques, sabres, epées, morions, casques, cuirasses, halbardes, javelines, pistolets et leurs fourreaux, baudriers, bayonettes, chevaux avec leurs harnois, et tous autres semblables genres d'armes et d'instruments de guerre servant à l'usage des troupes.

ART. 10. On ne mettra point au nombre des marchandises défendues celles qui suivent, sçavoir, toutes sortes draps, et tous autres ouvrages de manufactures de laine, de lin, de soye, de coton et de toute autre matière, tout genre de habillement avec les choses qui servent ordinairement à les faire; or, argent monnoyé ou non monnoye, etain, fer, plomb, cuivre, laiton, charbon à fourneau, bled, orge, et toute autre sorte de grains et de légumes, la nicotiane, vulgairement appellée tabac, toutes sortes d'aromates, chaires salées et fumées, poissons salés, fromage et beurre, bierre, huile, vins, sucres, toutes sortes de sels et de provisions servant à la nourriture et à la subsistance des hommes; tous genres de coton. chanvre, lin, poix, tant liquide que séche, cordages, cables, voiles, toiles, propres à faire des voiles, anchres et parties d'ancres quelles qu'elles puissent être, mats de navire, planches, madriers, poutres et toute sorte d'arbres, et toutes autres choses nécessaires pour construire ou pour radouber les vaisseaux. On ne regardera pas non plus comme marchandises de contrebande, celles qui n'auront pas pris la forme de quelque instrument ou attirail, servant à l'usage de la guerre sur terre ou sur mer; encore moins celles qui sont préparées on travaillées pour tout autre usage. Toutes ces choses seront censées marchandises libres, de même que toutes celles qui ne sont point comprises et spécialement designées dans l'article précédent, de sorte qu'elles ne pourront sous aucune interprétation pretendue d'icelles, être comprises sous les effets prohibées, ou de contrebande; au contraire elles pourront être librement transportées par les sujets du roi et des Etats Unis, même dans les lieux ennemis, excepte seulement dans les places assiegées, bloquées ou investies; et pour telles, seront tenues uniquement

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In case of war, with a third power, ships & vessels to be furnished with sea-letters and certificates.

ART. 11. In order to avoid and prevent on both sides all disputes and discord, it is agreed, that in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other, shall be furnished with sea-letters or passports, expressing the name, property, and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It it also agreed, that the said vessels when loaded shall be provided not only with sea-letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandises mentioned in the 9th article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

Merchant vessels compelled to exhibit sea-letters, &c.

Vessels not having contraband goods may pass.
And when under convoy the word of the commander to be sufficient.

ART. 12. Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the 7th article, they shall nevertheless be bound at all times when required, to exhibit as well on the high sea as in port, their passports and certificates above mentioned. And not having contraband merchandise on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of merchant ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

In case of contraband hatches not to be broken at sea, but in port only.

ART. 13. If on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandises, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken; nor shall it be

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les places entourées de près par quelqu'une des puissances belligérantes. 1783. April 3.

Art. 11. Afin d'écarter et de prévenir de part et d'autre toutes sortes de discussions et de discorde, il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les vaisseaux et bâtimens appartenants aux sujets ou habitans de l'autre devront être munis de lettres de mer ou passeports, exprimant le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maître ou commandant du dit vaisseau afin qu'il apparoisse par là, que le dit vaisseau appartient réellement et véritablement aux sujets de l'une ou de l'autre partie. Ces passeports qui seront dressés et expédiés en due et bonne forme, devront également être renouvellés toutes les fois que le vaisseau revient chez lui dans le cours de l'an. Il est encore convenu que ces dits vaisseau chargés devront être pourvûs non seulement de lettres de mer, mais aussi de certificats contenant les détails de la cargaison, le lieu d'où le vaisseau est parti et celui de sa destination, afin que l'on puisse connoitre s'ils ne portent aucune des marchandises défendues ou de contrebande specifiées dans l'article 9 du présent traité, lesquels certificats seront également expediés par les officiers du lieu d'où le vaisseau sortira.

Art. 12. Quoique les vaisseau de l'une et de l'autre partie pourront naviguer librement et avec toute sureté comme il est expliqué à l'article 7, ils seront néanmoins tenus toutes les fois qu'on l'exigera, d'exhiber tant en pleine mer que dans les ports, leurs passeports et certificats ci-dessus mentionnés. Et n'ayant pas chargé des marchandises de contrebande pour un port ennemi, ils pourront librement et sans empêchement poursuivre leur voyage vers le lieu de leur destination. Cependant on n'aura point le droit de demander l'exhibition des papeirs aux navires marchands convoyés par des vaisseaux de guerre; mais on ajoutera foi à la parole de l'officier commandant le convoi.

Art. 13. Si en produisant les dits certificats il fut découvert que le navire port quelques une de ces effets qui sont declarés prohibés ou de contrebande, et qui sont consignés pour un port ennemi, il ne sera cependant pas permis de rompre les écoutilles des dits navires, ni d'ouvrir aucune caisse, coffre, malle, ballot et tonneau, ou d'en déplacer, ni d'en détourner la moindre partie des marchandises, jusqu'à ce que la cargaison ait été mise à terre en présence des officiers préposés à cet effet, et que l'inventaire en ait été fait. Encore ne sera-

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lawful to sell, exchange, or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandises, and sentence shall have passed declaring them liable to confiscation; saving nevertheless as well the ships themselves as the other merchandises which shall have been found therein, which, by virtue of this present treaty, are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandise, and much less confiscated as lawful prize. And in case the contraband merchandise be only a part of the cargo, and the master of the vessel agrees, consents, and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandises which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandises declared to be free, the owner or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

Neither the ship nor the free goods to be affected thereby.

On delivery of contraband, by the master, the vessel may pursue her voyage.

Captors ought to be condemned in costs when no contraband is found.

Goods found in an enemy's ship liable to be confiscated, unless put on board before the declaration of war, or within 6 months afterwards.

ART. 14. It is likewise agreed, that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandises as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it; which merchandises shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be made sooner after the sale, which is to be public: provided nevertheless, that if the said merchandises be contraband, it shall not be in anywise lawful to carry them afterwards to a port belonging to the enemy.

Commanders of public & private armed vessels, to be answerable in their per-

ART. 15. And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men of war of the other party, or by privateers, all captains and commanders, of ships of his Swedish

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t-il pas permis de vendre, échanger ou aliéner la cargaison ou quelque partie d'icelle, avant qu'on aura procédé legalement au sujet des marchandises prohibées et qu'elles auront été declarées confiscables par sentence; à la reserve néanmoins, tant des navires même que des autres marchandises qui y auront été trouvées et qui en vertu du présent traité doivent être censées libres; lesquelles ne peuvent être retenues sous prétexte qu'elles ont été chargées avec des marchandises défendues, et encore moins être confisquées comme une prise légitime. Et supposé que les dites marchandises de contrebande, ne faisant qu'une partie de la charge, le patron du navire agréat, consentit et offrit de les livrer au vaisseax qui les aura découvertes; en ce cas, celui-cy, après avoir reçu les marchandises, de bonne prise, sera tenu de laisser aller aussitôt le bâtiment, et en l'empêchera en aucune manière de poursuivre sa route vers le lieu de sa destination. Tout navire pris et amené dans un des ports des parties contractantes, sous prétexte de contrebande, qui se trouve par la visite faite n'être chargé que de marchandises declarées libres, l'armateur ou celui qui aura fait la prise, sera tenu de payer tous les frais et dommages au patron du navire retenu injustement. 1783. April 3.

Art. 14. On est également convenu que tout ce qui se trouvéra chargé par les sujets d'une des deux parties dans un vaisseau appartenant aux ennemis de l'autre partie, sera confisqué en entier, quoique ces effets ne soient pas au nombre de ceux déclarés de contrebande, comme si ces effets appartenoient à l'ennemi même; à l'exception néanmoins des effets et marchandises qui auront été chargées sur des vaisseaux ennemis avant la déclaration de guerre, et même six mois après le déclaration, après lequel terme, l'on ne sera pas censé d'avoir pû l'ignorer; les quelles marchandises ne seront en aucune maniére sujettes à confiscation, mais seront rendues en nature fidèlement aux propriétaires qui les réclameront ou feront réclamer avant la confiscation et vente; comme aussi leur provenu, si la réclamation ne pouvoit se faire que dans l'intervalle de huit mois aprés la vente, laquelle doit être publique; bien entendu néanmoins, que si les dites marchandises sont de contrebande, il ne sera nullement permis de les transporter ensuite à aucun port appartenant aux ennemis.

Art. 15. Et afin de pourvoir plus efficacement a la sureté des deux parties contractantes, pour qu'il ne leur soit fait aucun prejudice par les vaisseaux de guerre de l'autre partie ou par des armateurs particuliers, il sera fait défense à tous les cap-

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majesty, and of the United States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

sons and goods, for injuries done on either side.

Every person fitting out a privateer, before he receives a commission, to give bond to answer all damages.

ART. 16. For this cause, every individual who is desirous of fitting out a privateer, shall, before he receives letters patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers or others in his employ, may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the king of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters patent and special commission revoked and made void.

Vessels, &c., of one of the parties, being neutral, recaptured by the other, to be restored, on proof.

ART. 17. One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant ship of the neutral power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandises of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters, and owners of ships, seamen, people of all sorts, ships and vessels, and in general, all merchandises and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers, or domains whatever, of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take any thing by force, from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions, and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

Persons & property not to be detained by force, on either side, any pretext, &c.

This restriction not to extend to arrests, &c., made in furtherance of justice

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itaines et commandants de vaisseaux de sa majesté Suedoise ea des Etats Unis, et tous leurs sujets, de faire aucun dommage ou insulte à ceux de l'autre partie; et au cas qu'ils y contreviennent, ayant été trouvés coupables, après l'examen fait par leurs propres juges, ils seront tenus de donner satisfaction de tout dommage et interêt; et de les bonifier sous peine et obligation de leurs personnes et biens.

Art. 16. Pour cette cause chaque particulier, voulant armer en course sera obligé, ayant que de recevoir les patentes ou ses commissions spéciales, de donner par devant un juge compétent, caution de personnes solvables, chacun solidairement pour une somme suffisante, afin de repondre de tous les dommages et torts que l'armateur, ses officiers, ou autres étant à son service pourroient faire en leurs courses, contre la teneur du présent traité et contre les édits faits de part et d'autre en vertu du même traité par le roi de Suede et par les Etats Unis même sous peine de révocation et cassation des dites patentes et commissions spéciales.

Art. 17. Une des parties contractantes étant en guerre, et l'autre restant neutre, s'il arrivoit qu'un navire marchand de la puissance neutre fut pris par l'ennemi de l'autre partie, et repris ensuite par un vaisseau ou par un armateur de la puissance en guerre; de même que les navires et marchandises de quelle nature qu'elles puissent être lors qu'elles auront été enlevées des mains de quelque pirate ou ecumeur de mer, elles seront emmenées dans quelque port de l'un des deux états, et seront remises a la garde des officiers du dit port afin d'être rendues en entier à leur veritable propriétaire, aussitôt qu'il aura produit des preuves suffisantes de la propriété. Les marchands, patrons, et propriétaires, des navires, matelots, gens de toute sorte vaisseaux et bâtimens et en général aucunes marchandises ni aucuns effets de chacun des alliés ou de leurs sujets, ne pourront être assujetis à aucun embargo, ni retenus dans aucun des pays, territories, isles, villes, places, ports, rivages ou domaines quelconques de l'autre allié, pour quelque expedition militaire, usage public ou particulier de qui que ce soit, par saisie, par force, ou de quelque manière semblable. D'autant moins sera-t-il permis aux sujets de chacune des parties de prendre, ou enlever par force, quelque chose aux sujets de l'autre partie, sans le consentement du propriétaire; ce qui néanmoins, ne doit pas s'entendre des saisies, detentions et arrêts qui se feront par ordre et autorité de la justice et selon les voyes ordinaires pour dettes ou delits, au sujet desquels il devra être procédé par voye de droit selon les formes de justice.

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Regulations respecting recaptures, &c.

ART. 18. If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides:

Vessels of either party retaken by the other, and not having been more than 24 hours in the possession of an enemy, to be restored on certain conditions.

1. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner, on payment of one third of the value of the ship and cargo. If, on the contrary, the vessel retaken has been more than twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

Vessels of either party, retaken by men of war, from an enemy, not having had possession 24 hours to be restored on certain conditions.

2. In case, during the interval of twenty-four hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part if it has been retaken after the twenty-four hours, which sums shall be distributed as a gratification among the crew of the men of war that shall have made the recapture.

Recaptures to be restored on proof and security.

3. The prizes made in manner abovementioned, shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

The legality of prizes on each side, to be determined in the ports of the other, according to the laws of the respective countries.

4. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

Each party may make necessary regulations for men of war &c. with respect to prizes carried into the ports of the other.

5. Moreover, the king of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two powers.

The armed vessels of either party, allowed to enter and freely depart the ports of the other, with their prizes.

ART. 19. The ships of war of his Swedish majesty and those of the United States, and also those which their subjects shall have armed for war, may, with all freedom, conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes, upon entering the said ports, shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which

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ART. 18. S'il arrivoit que les deux parties contractantes fussent en même tems en guerre contre un ennemi commun, on observera de part et d'autre les points suivants:

1. Si les bâtimens de l'une des deux nations repris par les armateurs de l'autre n'ont pas été au pouvoir de l'ennemi, au delà de vingt-quatre heures, ils seront restitués au premier propriétaire, moyennant le payement du tiers de la valeur du bâtiment et de celle de la cargaison. Si, au contraire, le vaisseau repris a été plus de vingt-quatre heures au pouvoir de l'ennemi, il appartiendra en entier à celui qui l'aura repris.

2. Dans les cas que dans l'intervalle de vingt-quatre heures un navire est repris par un vaisseau de guerre de l'une des deux parties, il sera rendu au premier propriétaire, moyennant qu'il paye un trentieme de la valeur du navire et de sa cargaison, et le dixième, s'il a été repris après les vingt-quarte heures, les quelles sommes seront distribuées en guise de gratification aux équipages des vaisseaux qui l'auront repris.

3. Les prises faites de la manière susdite seront restituées aux propriétaires, après les preuves faites de la propriété, en donnant caution pour la part qui en revient à celui qui a tiré le navire des mains de l'ennemi.

4. Les vaisseaux de guerre et armateurs des deux nations seront reciproquement admis avec leurs prises, dans les ports respectifs de chacune, mais ces prises ne pourront y être déchargées ni vendues qu'après que la legitimité de la prise faite par des bâtimens Suedois aura été decidée selon les loix et réglemens établis en Suede; tout comme celle des prises faites par des bâtimens Américains, sera jugée selon les loix et réglemens determinés par les Etats Unis de l'Amérique.

5. Au surplus il sera libre au roi de Suede, ainsi qu'aux Utats Unis de l'Amérique de faire tels réglemens qu'ils jugeront nécessaires relativement à la conduite que devront tenir leurs vaisseaux et armateurs respectifs, a l'égard des bâtimens qu'ils auront pris et conduits dans les ports des deux puissances.

ART. 19. Les vaisseaux de guerre de sa majesté Suedoise et ceux des Etats Unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté, conduire les prises qu'ils auront faites sur leurs ennemis, dans les ports ouverts en tems de guerre aux autres nations amies, sans que ces prises, entrant dans les dits ports, puissent être arrêtées ou saisies, ni que les officiers des lieux puissent prendre connoissance de la validité de dites prises, les quelles pourront

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may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

In case of shipwreck, relief shall be afforded, and goods restored, on paying costs of salvage if claimed in a year & a day.

ART. 20. In case any vessel belonging to either of the two states, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandises wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

When vessels of either party shall be forced by stress of weather, &c. into ports, &c. of the other, they shall be treated with humanity, and freely permitted to depart.

ART. 21. When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private, or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and every thing necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided always that they pay a reasonable price; and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

In case of war, nine months shall be allowed to citizens or subjects to sell, or to transport their effects.

ART. 22. In order to favor commerce on both sides as much as possible, it is agreed, that in case a war should break out between the said two nations, which God forbid, the term of nine months after the declaration of war, shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects, and much less their persons, during the said nine months, but, on the contrary, passports, which shall be valid for a time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if any thing is taken from them, or if any injury is done to them by one of the parties, their people, and subjects, during the term above prescribed, full

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sortir et être conduites franchement et en toute liberté aux lieux portés par les commissions, dont les capitaines des dits vaisseaux seront obligés de faire montre. 1783. April 3.

Art. 20. Au cas que quelque vaisseau appartenant à l'un des deux états, ou à leurs sujets aura échoué, fait naufrage ou souffert quelque autre dommage sur les côtes ou sous la domination de l'une des deux parties, il sera donné toute aide et assistance aux personnes naufragées ou qui se trouvent en danger, et il leur sera accordé des passeports pour assurer leur retour dans leur patrie. Les navires et marchandises naufragées ou leur provenu, si ces effets eussent été vendus, étant reclamés dans l'an et jour par les propriétaires, ou leur ayant cause, seront restituée, en payant les frais du sauvement, conformément aux loix et coutumes des deux nations.

Art. 21. Lorsque les sujets et habitans de l'une des deux parties avec leurs vaisseaux soit publics, soit équipés en guerre, soit particuliers, ou employés au commerce, seront forcés, par une tempête, par la poursuite des corsaires et des ennemis, ou par quelqu'autre necessité urgent de se retirer et d'entrer dans quelqu'une des rivières, bayes, rades, ou ports de l'une des deux parties, ils seront reçus et traités avec humanité, et honnêteté et jouiront de toute amitié, protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens, de vivres, et de toutes choses necessaires pour leur subsistence, pour la reparation de leurs vaisseaux, et pour continuer leur voyage, le tout moyennant un prix raisonable, et ils ne seront retenus en aucune manière, ni empêchés de sortir des dits ports ou rades, mais pourront se retirer et partir quand, et comme il leur plaira, sans aucun obstacle ni empêchement.

Art. 22. Afin de favoriser d'autant plus le commerce des deux côtes, il est convenu que dans le cas où la guerre surviendroit entre les deux nations susdites, ce qu'à Dieu ne plaise, il sera accordé un tems de neuf mois après la déclaration de guerre, aux marchands et sujets respectifs de part et d'autre, pour pouvoir se retirer avec leurs effets et meubles, lesquels ils pourront transporter, ou faire vendre, où ils voudront sans qu'on y mette le moindre obstacle, ni qu'on puisse arrêter les effets, et encore moins les personnes pendant les dits neuf mois, mais qu'au contraire on leur donner, a pour leurs vaisseaux et effets qu'ils voudront prendre avec eux, des passeports valables pour le tems qui sera nécessaire pour leur retour; mais s'il leur est enlevé quelque chose, ou s'il leur a été fait quelque injure, durant le terme prescrit cy-dessus, par l'une des parties, leurs peuples et sujets, il leur sera donné à cet ègard

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and entire satisfaction shall be made to them on that account. The abovementioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

The citizens or subjects of each party not to take commissions or letters of marque, from any prince or state, with whom the other is at war, to cruise against either party.

ART. 23. No subject of the king of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said states, from any prince or state, whatever, with whom the said United States shall be at war. Nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission, or letters of marque, for arming any vessel to cruise against the subjects of his Swedish majesty, or any of them, or their property, from any prince or state whatever with whom his said majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

Ships & vessels of either party coming on the coasts or entering the ports of the other without wishing to unload shall not be obliged to break bulk, &c.

ART. 24. The vessels of the subjects of either of the parties coming upon any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but, on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

Armed vessels of either party visiting merchant ships of the other, to remain out of cannon shot.

ART. 25. When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course.

Each party allowed to have consuls, &c. in the ports of the other.

ART. 26. The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents, and commissaries, whose functions shall be regulated by a particular agreement.

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pleine et entière satisfaction. Ces passeports susmentionnés serviront également de saufconduits contre toutes insultes ou prises que les armateurs pourront intenter de faire contre leurs personnes et leurs effets. 1783. April 3.

Art. 23. Aucun sujet du roi de Suede ne prendra de commission ou de lettres de marque pour armer quelque vaisseau, afin d'agir comme corsaire contre les Etats Unis de l'Amérique ou quelques uns d'entre eux, ou contre les sujets, peuples ou habitan d'iceux, ou contre la propriété des habitans de ces états, de quelque prince ou état que ce soit, avec lequel ces dits Etats Unis seront en guerre. De même, aucun citoyen, sujet, ou habitant des dits Etats Unis, et de quelqu'un d'entre eux, ne demandera ni n'acceptera aucune commission ou lettre de marque afin d'armer quelque vaisseau pour courre sus aux sujets de sa majesté Suedoise ou quelque'un d'entre eux, ou leur propriété, de quelque prince ou état que ce soit avec qui sa dite majesté se trouvera en guerre. Et si quelqu'un de l'une ou de l'autre nation prenoit de pareilles commissions ou lettres de marque, il sera puni comme pirate.

Art. 24. Les vaisseaux des sujets ou habitans d'une des deux parties, abordant à quelque côte de la dépendance de l'autre mais n'ayant point dessien d'entrer au port, ou y étant entré, ne desirant pas de décharger leur cargaison ou rompre leur charge, n'y seront point obligés, mais au contraire jouiront de toutes les franchises et exemtions accordées par les réglemens qui subsistent relativement à cet objet.

Art. 25. Lorsqu'un vaisseau appartenant aux sujets et habitans de l'une des deux parties, naviguant en pleine mer, sera recontré par un vaisseau de guerre ou armateur, de l'autre, le dit vaisseau de guerre ou armateur, pour éviter tout desordre se tiendra hors de la portée du canon, mais pourra toutes fois envoyer sa chaloupe à bord du navire marchand et y faire entrer deux ou trois hommes, auxquels le maître ou commandant du dit navire, montrera son passeport, qui constate la propriété du navire; et après que le dit bâtiment aura exhibé le passeport, il lui sera libre de continuer son voyage; et il ne sera pas permis de le molester ni de chercher en aucune manière à lui donner la chasse ou à le forcer de quitter la course qu'il s'etoit proposé.

Art. 26. Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice consuls, agents et commissaires, dont les fonctions seront réglées par une convention particulière.

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ART. 27. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

In faith whereof, the respective plenipotentiaries have signed the above articles, and have thereto affixed their seals.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.] GUSTAV PHILIP,
comté de Creutz.

Separate Article.

This treaty to endure for fifteen years from the year 1783.

The king of Sweden and the United States of North America agree, that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification, and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris the third of April, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.] GUSTAV PHILIP,
comté de Creutz.

Separate Articles.

The king of Sweden to protect vessels and effects of citizens of the U. States within his jurisdiction.

ART. 1. His Swedish majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North America, and every of them, which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities, and towns of his said majesty, and shall use his utmost endeavors to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction.

The U. States to protect vessels & effects of the subjects of Sweden, within their jurisdiction.

ART. 2. In like manner the United States of North America shall protect and defend the vessels and effects belonging to the subjects of his Swedish majesty, which shall be in the ports, havens, or roads, or on the seas near to the countries, islands, cities, and towns of the said states, and shall use their utmost efforts to recover and restore to the right owners, all such vessels and effects which shall be taken from them within their jurisdiction.

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ART. 27. Le présent traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de huit mois, ou plutôt, si faire se peut, à compter du jour de la signature. 1783. April 3.

En foi de quoi les plénipotentiaires respectifs ont signé les articles cy-dessus, et y ont apposé le cachet de leurs armes.

Fait à Paris, le trois Avril, l'an de Grâce mil sept cent quatre-vingt-trois.

[L. S.] GUSTAV PHILIP,
comté de Creutz.
[L. S.] B. FRANKLIN.

Article Séparé.

Le roi de Suede et les Etats Unis de l'Amérique Septentrionale sont convenus que le présent traité aura son plein effet pendant l'espace de quinze ans consecutifs, à compter du jour de sa ratification; et les deux parties contractantes se reservent la faculté de le renouveller au bout de ce tems.

Fait a Paris, le trois Avril, l'an de Grâce mil sept cent quatre-vingt-trois.

[L. S.] GUSTAV PHILIP,
comté de Creutz.
[L. S.] B. FRANKLIN.

Articles Séparés.

ART. 1. Sa majesté Suedoise fera usage de tous les moyens qui sont dans son pouvoir pour protéger et défendre les vaisseaux et effets, appartenans aux citoyens ou habitans des Etats Unis de l'Amérique Septentrionale et à chacun d'iceux, qui seront dans les ports, havres ou rades ou dans les mers près des païs, isles, contrés, villes et places de sa dite majesté, et fera tous ses efforts pour récouvrer et faire réstituer aux propriétaires légitimes tous les vaisseaux et effets qui leur seront pris dans l'etendue de sa jurisdiction.

ART. 2. De même les Etats Unis de l'Amérique Septentrionale protégeront et défendront les vaisseaux et effets, appartenans aux sujets de sa majesté Suedoise qui seront dans les ports, havres ou rades, ou dans les mers près des païs, isles, contrées, villes et places des dits états, et feront tous leurs efforts pour recouvrer et faire restituer aux propriétaires legitimes, tous les vaisseaux et effets qui leur seront pris dans l'étendue de leur jurisdiction.

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ART. 3. If in any future war at sea, the contracting powers resolve to remain neuter, and as such, to observe the strictest neutrality, then it is agreed, that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case, the commander of the ships of war of the other party, if required, shall, in good faith and sincerity, give them all necessary assistance; and in such case, the ships of war and frigates of either of the powers shall protect and support the merchant ships of the other; provided nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principles of the neutrality.

In case of war between different powers at sea, each party to give convoy to the other, where protection may be required.

Illicit commerce not entitled to neutral convoy.

ART. 4. It is agreed and concluded that all merchants, captains of merchant ships, or other subjects of his Swedish majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ laborers appointed by public authority for that purpose; but they shall be at full liberty themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever; and they shall not be obliged to turn over any kind of merchandises to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the citizens, people, and inhabitants of the United States of America, shall reciprocally have and enjoy the same privileges and liberties in all places under the jurisdiction of the said realm.

Regulations concerning the transacting of business by citizens or subjects of either party in the dominions of the other.

ART. 5. It is agreed that when merchandises shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination, but all examination and search must be before lading and the prohibited merchandises must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of

Merchandise not to be examined after it has been put on board; examination to take place before lading, except in cases of fraud.

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ART. 3. Si durant une guerre maritime à venir, les deux puissances contractantes prennent le parti de rester neutres et d'observer, comme telles, la plus exacte neutralité alors on est convenu que s'il arrivoit que les vaisseaux marchands de l'un des puissances, se trouvassent dans un parage où les vaisseaux de guerre de la même nation ne fussent pas stationnés; ou bien s'ils se rencontrent en pleine mer sans pouvoir avoir recours à leurs propres convois, dans ce cas le commandant des vaisseaux de guerre de l'autre puissance, s'il en est requis, doit de bonne foi et sincèrement leur prêter les secours dont ils pourront avoir besoin, et en tel cas les vaisseaux de guerre et frégates de l'une des puissances serviront de soutien et d'appui aux vaisseaux marchands de l'autre: bien entendu cependant, que les réclamans n'auroient fait aucun commerce illicite ni contraire aux principes de la neutralité.

ART. 4. Il est convenu et arrêté que tous les marchands, capitaines des navires marchands, ou autres sujets de sa majesté Suedoise, auront l'entière liberté dans toutes les places de la domination ou jurisdiction des Etats Unis de l'Amérique, de conduire eux mêmes leurs propres affaires, et d'employer qui il leur plaira pour les conduire, et qu'ils ne seront point obligés de se servir d'aucun interprète ou courtier, ni leur payer aucun honoraire à moins qu'ils ne s'en servent. En outre, les maitres des navires ne seront point obligés, chargeant ou dechargeant leurs navires, de se servir des ouvriers qui peuvent être établis pour cet effet par l'autorité publique; mais ils seront entièrement libres de charger ou de décharger eux-mêmes leurs vaisseaux et d'employer pour charger ou décharger ceux qu'ils croiront propres pour cet effet, sans payer aucuns honoraires à titre de salaire à aucune autre personne que ce soit, et ils ne pourront être forcés de verser aucune espèce de marchandises dans d'autres vaisseaux ou de les recevoir à leur bord, et d'attendre pour être chargés, plus longtems qu'il ne leur plaira; et tous et un chacun des citoyens, peuples et habitans des Etats Unis de l'Amérique auront et jouiront réciproquement des mêmes priviléges et libertés dans toutes les places de la jurisdiction du dit royaume.

ART. 5. Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou bâtimens de l'une des deux parties contractantes, elles ne pourront plus être assujetties à aucune visite; toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être arrêtées sur la plage avant de pouvoir être embarquées, a moins qu'on ait des indices manifestes ou des preuves de versement

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him who has the command of her; in which case only, he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties, who shall be with their vessels in the ports of the other, nor their merchandises, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects, or citizens of the state whose merchandises are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandise, being liable to punishment for such contravention.

No seizure of ships or merchandise on account of wanting to take on board contraband.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.] GUSTAV PHILIP, *comte de Creutz.*

[L. S.] B. FRANKLIN.

NOTE. By a separate article annexed to the foregoing Treaty, [see page 188,] its full effect was limited to fifteen years, counting from the day of the ratification: consequently it expired on the 29th of July, 1798.

TRANSLATION.

No. 2.—*In the name of the most Holy and Indivisible Trinity.*

Stockholm, 4th Sept. 1816.

The United States of America, and his majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two states, and being convinced that this object cannot be more effectually accomplished than by establishing, reciprocally, the commerce between the two states upon the firm basis of liberal and equitable principles, equally advantageous to both countries, have named, to this end, plenipotentiaries, and have furnished them with the necessary full powers to treat, and, in their name, to conclude a treaty, to wit: The President of the United States, Jonathan Russell, a citizen of the said United States, and now their minister plenipotentiary at the court of Stockholm; and his majesty the King of Sweden and Norway, his excellency the count Laurent d'Engestrom, his minister of state for foreign affairs, chancellor of the university of Lund, knight commander of the orders of the King, knight of the orders of Charles XIII, grand cross of the orders of St. Etienne of Hungary, of the legion of honor of France, of the Black Eagle and of the Red Eagle of Prussia, and the count Adolphe George de Morner, his counsellor of

The parties desirous of maintaining relations of friendship and commerce.

Jonathan Russell, American Plenipotentiary

Laurent d'Engestrom and Adolphe G. de Morner, Swedish Plenipotentiaries.

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frauduleux de la part du propriétaire du navire ou de celui qui en a le commandement. Dans ce cas seul, il en sera responsable et soumis aux loix du païs il se trouve. Dans aucun autre cas, ni les sujets d'une des parties contractantes, se trouveront avec leurs navires dans les ports de l'autre, ni leurs merchandises, ne pourront être arrêtés ou molestés pour cause de contrebande, qu'ils auront voulu prendre à leur bord, ni aucune espèce d'embargo mis sur leurs navires; les sujets ou citoyens de l'état où ses marchandises sont declarées de contrebande, ou dont la sortie est defendue, et qui néanmoins auront vendu ou voulu vendre et aliéner les dites marchandises, devant être les seuls qui seront deument punis pour une parielle contravention. 1783. April 3.

Fait à Paris, le trois Avril, l'an de grâce mil sept cent quatre-vingt-trois.

[L. S.] GUSTAV PHILIP,
comté de Creutz.

[L. S.] B. FRANKLIN.

[ORIGINAL.]

Au nom de la très Sainte et Indivisible Trinité.

Les Etats Unis d'Amérique et sa majesté le Roi de Suède et de Norvège, également animés du désir sincère de maintenir et consolider les relations d'amitié et de commerce qui ont subsisté jusqu'ici entre les deux états, et étant convaincus qu'on ne saurait mieux remplir cet objet qu'en établissant reciproquement le commerce entre les deux états, sur la base solide de principes libéraux et équitables également advantageux aux deux pays, ont nommé pour cet effet des plénipotentiaries, et les ont munis des pourvoirs nécessaires pour traiter et conclure en leur nom, savoir: le Président des Etats Unis, Monsieur Jonathan Russell, citoyen des dits Etats Unis, et actuellement leur Ministre Plénipotentiaire à la Cour de Stockholm, et sa Majesté le roi de Suède et de Norvège, son excellence Monsieur le Comte Laurent d'Engeström, son Ministre d'Etat pour les affaires etrangères, Chancelier de l'Université de Lund, Chevalier Commandeur des ordres du Roi, Chevalier de l'ordre du roi Charles XIII. Grand Croix des ordres de St. Etienne de Hongrie, de la Legion d'Honneur de France, de l'Aigle Noir et de l'Aigle Rouge de Prusse, et Monsieur le Compte Adolphe George de Mörner, son Conseiller d'Etat, et Commandeur de l'ordre de l'Etoile Polaire; lesquels Plénipo- Stockholm, 4th Sept. 1816.

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state, and commander of the order of the Polar Star: and the said plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles:

Full powers exchanged.

Reciprocal liberty of commerce.

ART. 1. There shall be between all the territories under the dominion of the United States of America, and his Majesty the King of Sweden and Norway, a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers, within the territories of the other, into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and generally, the merchants and traders of each of the two nations, shall enjoy in the other the most complete security and protection for the transaction of their business, being bound, alone, to conform to the laws and statutes of the two countries, respectively.

Complete protection for the Merchants and Traders.

No other or higher Duties, &c. on the importation of the produce or manufactures of one party into the ports of the other, than the same articles would be subjected to if they were the growth, &c. of any other country.

ART. 2. No other or higher duties, imposts, or charges, whatsoever, shall be imposed on the importation into the territories of his Majesty the King of Sweden and Norway, of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of the territories of his Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce, or manufacture, of any other country.

The same principle as to exports—articles not to be subject to higher Duties than if exported to other countries.

The same principle shall likewise be observed in respect to exportation, in such manner that in each of the two countries, respectively, the articles which shall be exported for the other, cannot be charged with any duty, impost, or charge, whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

No prohibition on exportation or importation of the productions of each, which does not extend to all other nations.

Not shall any prohibition be imposed on the exportation or importation of any article, the growth, produce, or manufacture, of the territories of his majesty the King of Sweden and Norway, or of the United States, to or from the said territories of his Majesty the King of Sweden and Norway, or to or from the said United States, which shall not equally extend to all other nations.

Equilization of Duties as to the vessels and car-

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of

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tentiares, après avoir produit et échangés leur plein pouvoirs trouvés en bonne et due forme, sont convenus des articles suivans:

Art. 1. Il y aura liberté réciproque de commerce entre tous les pays de la domination des Etats Unis d'Amérique et de sa Majesté le Roi de Suéde et de Norvège. Les habitans de l'un des deux pays pourront avec toute sureté, pour leur personnes, vaisseaux et cargaisons, aborder librement dans les ports, places, et riviéres, du territoire de l'autre, partout où l'entrée est permise aux vaisseaux des nations les plus favorisées. Ils pourront s'y arrêter et résider dans quelque partie que ce soit des dits territoires; ils pourront y louer et occuper des maisons et des magasins pour leur commerce, et généralement les négocians ou trafiquans de chacune des deux nations jouiront chez l'autre de la plus entière sécurité et protection pour les affaires de leur négoce, étant seulement tenus à se conformer aux loix et ordonnance des deux pays respectifs.

Art. 2. Il ne sera point imposé de plus forts au autres droits, impôts, ou charges, quelconques sur l'importation dans les Etats Unis des productions du sol ou des manufactures des états de sa Majesté le Roi de Suède et de Norvège, ni sur l'importation dans états de sa Majesté le Roi de Suède et de Norvège des productions du sol ou des manufactures des Etats Unis, que ceux auxquels seraient assujettis les mêmes articles dans chacun des deux pays respectifs, si ces denrées étaient le produit du sol ou des manufactures de toute autre pays. Le même principe sera aussi observé pour l'exportation, en sorte que dans chacun des deus pays respectifs les articles qui seront exportés pour l'autre ne pourront être chargés d'aucun droit, impôt, au charge quelconque plus fort ou autre que ceux auxquels seraient assujettis les mêmes articles, s'ils étaient exportés pour tout autre pays quelconque.

Il ne sera non plus imposé aucune prohibition, ni sur l'exportation ni sur l'importation d'aucun article provenant du sol ou des manufactures des Etats Unis ou des pays de sa Majesté le Roi de Suède et de Norvège, dans ou hors les dits Etats Unis, et dans ou hors les dits pays de sa Majesté le Roi de Suède et de Norvège, qui en s'étende également à toutes les autres nations.

Les vaisseaux des Etats Unis d'Amérique arrivant sur leur lest ou important dans les états de sa Majeste le Roi de Suede et Norvège des produits du sol ou de l'industrie de leur pays, ou exportant des états de sa Majesté Sudéoise et Norvégienne les produits du sol ou de l'industrie nationale des dits éts, ne

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their countries, or exporting from the United States the produce or manufactures of said states, shall not be obliged to pay, either for the vessels or cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, *vice versa*, the vessels of the United States, arriving in ballast, or importing into the territories under the dominion of his Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting from the territories under the dominion of his Majesty the King of Sweden and Norway, the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

goes of either nation arriving in, or departing from, the ports of the other, the cargoes being of the produce or manufacture of one of them.

The equilization of duties extended to the island of St. Bartholomews.

That which is here above stipulated, shall also extend to the Swedish colony of St. Barthelemy, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports, as in relation to those which the vessels of the colony shall enjoy in the ports of the United States, provided the owners are inhabitants of St. Barthelemy, and there established and naturalized, and shall have there caused their vessels to be naturalized.

Provided the owners are inhabitants of St. Bart's, &c.

[*This Article not ratified.]

ART. 3.* His Majesty the King of Sweden and Norway agrees that all articles, the growth, produce, or manufacture, of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported directly or indirectly from said Indies, may likewise be imported into its territories in vessels of the United States, and there shall not be paid, either for said vessels or the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid misapprehension in this respect, it is expressly declared that the term "West Indies," ought to be taken in its most extensive sense, comprising all that portion of the earth, whether main land or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.

ART. 4. The United States of America on their part, agree, that all articles the growth, produce or manufacture, of the countries surrounding the Baltic sea, or bordering thereon, which

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seront tenus à payer, ni pour les vaisseaux ni pour les cargaisons aucuns droits, impôts ou charges quelconques, plus forts ou autres que ceux que payeraient dans le même cas les vaisseaux des états de sa Majesté le Roi de Suède et de Norvège, et *vice versa*, les vaisseaux des états de sa Majesté le Roi de Suède et de Norvège qui arrivent sur leur lest ou qui importent dans les Etats Unis d'Amérique des productions du sol ou de l'industrie nationale de la Suède et de la Norvège, ou qui exportent des Etats Unis des produits du sol ou de l'industrie de ces pays, ne payeront ni pour les vaisseaux ni pour les cargaisons aucuns droits, impôts ou charges quelconques, autres ou plus forts que ceux qui seraient payés si ces mêmes denrées etaient transportées par des vaisseaux des Etats Unis respectivement.

Ce que est statué ci-dessus s'étendra aussi à la colonie Suédoise de St. Barthélemy, tant par rapport aux droits et avantages dont les vaisseaux des Etats Unis jouiront dans ses ports que par rapport à ceux dont les vaisseaux de la colonie jouiront dans les ports des Etats Unis, bien entendu, que les propriétaires soyent colons etablis et naturalisés à St. Barthélemy, et qu'ils y ayent fait naturaliser leurs vaisseaux.

ART. 3. Sa Majesté le Roi de Suède et de Norvège consent que tous les articles qui sont le produit du sol ou des manufactures des Indes Occidentales et dont l'entrée est permise dans des vaisseaux Suèdois ou Norvègiens, soit que ces marchandises viennent directement ou indirectement des dites Indes, puissent aussi être importés dans ses états par des vaisseaux des Etats Unis, et qu'alors il ne sera payé ni pour les dits vaisseaux, ni pour les cargaisons, de droits, impôts ou charges quelconques, plus forts ou autres que ceux qui seraient payes par des vaisseaux Suèdois ou Norvègiens dans le même cas, avec une addition seulement de dix pour cent sur les dits droits, impôts, ou charges, et pas davantage.

Pour éviter tout mésentendu à cet égard il est ici expressément déclaré, que la dénomination d'Indes Occidentales doit être prise dans le sens le plus étendu en y comprenant toute cette partie du monde, soit îles ou terre ferme, qui de tout tems a été appellée Indies Occidentales, en opposition avec cette autre partie du monde appellée Indes Orientales.

ART. 4. De leur côté les Etats Unis d'Amérique consentent à ce que tous les articles qui sont les produits du sol ou des manufactures des pays qui bordent ou environent la mer Baltique et dont l'entrée est permise dans les vaisseaux des Etats Unis, soit que ces denrées viennent directement ou indirecte-

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are permitted to be imported in vessels of the United States, whether these articles be imported directly or indirectly from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid all uncertainty in respect to the duties, imposts, or charges, whatsoever, which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay, on arriving in the ports of the other, with a cargo consisting partly of articles, the growth, produce, or manufacture, of the country to which the vessel belongs, and partly of any other merchandise, which the said vessel is permitted to import by the preceding articles, it is agreed that, in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts, and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.

ART. 5. The high contracting parties grant mutually the liberty of having in the places of commerce and ports of the other, consuls, vice consuls, or commercial agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that in case of illegal or improper conduct in respect to the laws or government of the country to which they are sent, the said consul, vice consul, or agent, may be either punished according to law, dismissed, or sent away, by the offended government, that government assigning to the other the reasons therefor. It is, nevertheless, understood, that the archives and documents relative to the affairs of the consulate shall be protected from all examination, and shall be carefully preserved, being placed under the seal of the consul and of the authority of the place where he shall have resided.

Proceedings against Consuls, &c. offending against the laws.

Archives, &c., inviolate.

The consuls and their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nations whose affairs are entrusted to their care. The respective governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquillity of the country in which the

Consuls and their Deputies to have the right to act as judges, &c.

Extent of the right.

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ment de la Baltique, puissent aussi être importés de même dans les Etats Unis, par des vaisseaux Suèdois ou Norvègiens, et qu'alors il ne sera payé ni pour les dits vaisseaux ni pour les cargaisons de droits, impôts ou charges quelconques plus forts ou autres que ceux qui seraient payés par des vaisseaux des Etats Unis dans le même cas, avec une addition de dix pour cent sur les dits droits, impôts ou charges, et pas davantage. 1816. September 4.

Afin de prévenir toute incertitude à l'égard des droits, impôts ou charges quelconques, que devrait payer un vaisseau appartenant aux citoyens ou sujets de l'une des parties contractantes et arrivant dans les ports de l'autre avec une cargaison qui consisterait en partie des produits du sol ou des manufactures du pays, auquel le vaisseau appartiendrait, et en partie de quelques autres marchandises, dont l'importation est permise au dit vaisseau par les articles précédens, il est convenu qu'en cas d'une cargaison ainsi mélée, le dit vaisseau payera toujours les droits, impôts ou charges suivant la nature de cette partie de la cargaison qui est sujette aux plus gros droits, tout comme si le vaisseau n'eut apporté que cette seule espèce de marchandises.

Art. 5. Les hautes parties contractantes s'accordent mutuellement la faculté d'entretenir dans les ports et place de commerce de l'autre, des consuls, vice consuls, ou agents de commerce, qui jouiront de toute la protection et assistance nécessaire pour remplir duement leurs fonctions, mais il est ici expressément déclaré, que dans le cas d'une conduite illégale ou impropre envers les lois ou le gouvernement du pays auquel il est envoyé le dit consul, vice consul ou agent, pourra, ou être puni conformément aux lois, ou être mis hors de fonction ou renvoyé par le gouvernement offensé, celui-ci en donnant les raisons à l'autre, bien entendu cependant que les archives et documens relatifs aux affaires du consulat, seront à l'abri de toute recherche et devront être soigneusement conservés, étant mis sous le scéllé du dit consul et de l'autorité de l'endroit ou il aura réside.

Les consuls ou leur suppléans auront le droit comme tels de servir de juges et d'arbitres dans les differends qui pourraient s'élever entre les capitaines et les équipages des vaisseaux de la nation dont les affaires sont confiées à lours soins. Les gouvernemens respectifs n'auront le droit de se mêler de ces sortes d'affaires qu'en tant que la conduite des équipages ou du capitaine troublerait l'ordre et la tranquillité dans le pays ou le vaisseau se trouve, ou que le consul du lieu se verrait

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vessel may be, or that the consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained. It being, nevertheless, understood, that this kind of judgment or award shall not deprive the contending parties of the right which they shall have, on their return to recur to the judicial authorities of their own country.

Rights reserved to the parties under consular decisions.

[* This Article not ratified.]

ART. 6.* In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, and manufacture, of the contracting parties respectively, it is agreed, that whatever the chief or intendant of the customs shall have designated and specified as such, in the clearance delivered to the vessels which depart from the European ports of his Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture, of the United States, shall be acknowledged and admitted as such in the territories of his Majesty the King of Sweden and Norway.

The specification or designation given by the chief of the customs in the colonies of his Majesty the King of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated, to obtain from them admission into the ports of the United States accordingly.

Vessels and cargoes may enter ports & depart in pursuance of their voyage, without breaking bulk, on paying pilotage, quayage, &c. if those charges have been incurred.

ART. 7. The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or being entered into port and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges, whatsoever, on the vessels or cargo, excepting only the dues of pilotage, when a pilot shall have been employed, or those of quayage, or light money, whenever those dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which it may be permitted to enter which are in force with regard to the citizens or subjects

Limitation of this privilege.

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obligé d'appeller l'intervention du pouvoir exécutif pour faire respecter ou maintenir sa décision. Bien entendu que cette espèce de jugement ou d'arbitrage ne saurait pourtant priver les parties contendantes du droit qu'elles ont à leur retour de recourir aux autorités judiciaires de leur patrie. 1816. September 4.

Art. 6. Afin de prévenir toute dispute ou incertitude à l'égard de ce qui devra être réputé comme étant le produit du sol ou des manufactures des parties contractantes respectivement, il est convenu que ce qui aura été désigné ou spécifié comme tel dans l'expedition que le chef ou l'intendent de la douane aura donnée aux vaisseax qui sortiront des ports Européens des états de sa Majesté le Roi de Suède et de Norvège, sera reconnu et admis comme tel dans les Etats Unis, et que de même ce que le chef ou collecteur de la douane dans les ports des Etats Unis aura désigné et spécifié comme étant le produit du sol ou des manufactures des Etats Unis, sera admis et reconnu comme tel dans les états de sa Majesté le Roi de Suéde et de Norvège. La spécification ou désignation donnée par le chef de la douane dans les colonies de sa Majesté le Roi de Suède et de Norvège et certifiée par le gouverneur de la colonie d'ou l'exportation aura été faite, sera regardée comme preuve suffisante de l'origine des articles ainsi désignés ou spécifiés, pour qu'ils soyent admis à ce titre dans les ports des Etats Unis.

Art. 7. Les citoyens ou sujets de l'une des parties contractantes, arrivant avec leurs vaisseaux à l'une des côtes appartenantes à l'autre, mais ne voulant pas entrer dans le port, ou après y être entrés ne voulant pas décharger quelque partie de la cargaison ou déranger quelque chose du chargement, auront la liberté de partir et de poursuivre leur voyage sans être en quelque sorte molestés ou obligés de rendre compte du contenue de la cargaison, et sans payer d'autres droits, impôts ou charges quelconques pour les vaisseaux ou la cargaison que les droits de pilotage quand on s'est servi d'un pilote, et ceux pour le quayage ou pour l'entretien des fanaux là ou ces mêmes droits sont percus sur les nationaux dans le même cas. Bien entendu cependant que lorsque des vaisseaux appartenans aux citoyens ou sujets de l'une des parties contractantes se trouveraient dans l'enceinte de la jurisdiction de l'autre, ils se conformeront aux reglémens et ordonnances concernant la navigation et les places ou ports dans lesquels on peut aborder, qui sont en vigueur à l'égard des nations les plus favori-

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of the country; and it shall be lawful for the officers of the customs in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

Vessels may land part of their cargoes, and proceed with the remainder, on paying the proportional duties, &c.

ART. 8. It is also agreed, that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges, whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favored nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood, that the duties, imposts, or charges, which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to further duties in the same circumstances.

Exception as to vessels.

Rights and privileges of Entrepot.

ART. 9. The citizens and subjects to one of the contracting parties, shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entrepot which are enjoyed by the most favored nations in the same ports.

Regulations in case of Shipwreck.

ART. 10. In case any vessel, belonging to either of the two states, or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being

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sées et il sera permis aux officiers de douane dans les districts desquels les dits vaisseaux se trouvent, de les visiter, de rester à bord et de prendre telles précautions que peuvent être nécessaires pour prévenir tout commerce illicite pendant que les mêmes vaisseaux restent dans l'enceinte de cette même juridiction. 1816. September 4.

Art. 8. Il est aussi convenu, que les vaisseaux de l'une des parties contractantes, étant entrés dans les ports de l'autre, ils pourront se borner à ne décharger qu'une partie de leur cargaison selon que le capitaine ou propriétaire le desire, et qu'ils pourront s'en aller librement avec le reste de la cargaison sans payer de droits, impôts ou chargés quelconques que pour la partie qui aura été mise à terre et qui sera marquée et biffée sur la liste ou le manifeste contenant l'enumération des effets que le vaisseau aura du apporter laquelle liste devra toujours être présentée en entier à la douane au lieu ou le vaisseau aura abordé. Il ne sera rien payé pour la partie de la cargaison que le vaisseau aura emporté et avec laquelle il pourra continuer sa route pour un ou plusieurs autres ports du même pays dans lesquels l'entrée est permise aux vaisseaux des nations les plus favorisées et y disposer du reste de sa cargaison en payant les droits qui y sont attachés, ou bien il pourra s'en aller avec la cargaison qui lui reste pour les ports de quelque autre pays. Il est cependant entendu que les droits, impôts ou chargés quelconques qui sont payables pour le vaisseau même doivent être acquittés dans le premier port ou il rompt le chargement et en decharge une partie et qu'aucuns droits ou impositions pareils ne seront demandés de nouveau dans les ports du même pays, ou le dit vaisseau pourra vouloir entrer après à moins que les nationaux ne soyent sujets à quelques droits ulterieurs pour le même cas.

Art 9. Les citoyens et sujets de l'une des parties contractantes jouiront dans les ports de l'autre tant pour leurs vaisseaux que pour leurs vaisseaux que pour leurs marchandises de tous les droits et facilitiés d'entrepôt dont jouissent les nations le plus favorisées dans les mêmes ports.

Art. 10. Au cas que quelque vaisseau appartenant à l'un des deux états ou à leurs citoyens et sujets aura échoué, fait naufrage ou souffert quelque autre dommage sur des côtes de la domination de l'une des deux parties contractantes, il sera donné toute aide et assistance aux personnes naufragées, ou qui se trouvent en danger, et il leur sera accordé des passeports pour assurer leur retour dans leur patrie. Les navires et marchandises naufragés ou leur provenu, si les effets eussent été

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claimed in a year and a day, by the owners, or their attorney, shall be restored on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

Quarantine regulations.

ART. 11. It is agreed that vessels arriving direct from the United States, and a port under the dominion of his Majesty the King of Sweden and Norway, or from the ports of his said Majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived; but shall, after such visit, be permitted immediately to enter and discharge their cargoes: Provided always, that there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected, or suspected, that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected, and subjected to quarantine.

The Treaty of Paris, concluded in 1783, revived in part.

ART. 12. The treaty of amity and commerce concluded at Paris, in 1783, by the Plenipotentiaries of the United States and of his Majesty the King of Sweden, is renewed and put in force by the present treaty, in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeeth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth, articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same plenipotentiaries; and the articles specified shall be considered to have as full force and vigor, as if they were inserted word for word: Provided, nevertheless, that the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

Exception as to the effect of the Treaty of 1783, in relation to either powers.

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vendus, étant réclamés dans l'an et jour par les propriétaires, ou leurs ayant cause, seront restitués en payant les mêmes frais du sauvement conformément aux lois et coutumes des deux nations que payeraient les nationaux dans le même cas Les gouvernemens respectifs veilleront à ce que les compagnies qui sont ou pourront être institutées pour sauver les personnes et effets naufragés, ne se permettent point de vexations ou actes arbitraires.

Art. 11. Il est convenu que les vaisseaux qui arrivent directement des Etats Unis à un port de la domination de sa Majesté la Roi de Suède et de Norvège, ou des pays de sa dite Majesté en Europe, à un port des Etats Unis et qui sont pourvus d'un certificat de santé donné par l'officier compétent à cet égard du port d'ou le vaisseau est sorti et assurant qu'aucune maladie maligne ou contagieuse n'éxistait dans ce port, ne seront soumis à aucune autre quarantine que celle qui sera nécessaire pour la visite de l'officier de santé du port ou le vaisseau est arrivé après laquelle il sera permis au vaisseau d'entrer immédiatement et de décharger sa cargaison, bien entendu toujours qu'il n'y ait eu personne à bord du vaisseau qui s'est trouvé attaqué pendant le voyage d'une maladie maligne ou contagieuse et que la contrée d'ou vient le vaisseau ne soit pas à cette époque si généralement regardée comme infectée ou suspecte, qu'on ait été obligé de donner auparavant une ordonnance par laquelle tous les vaisseaux qui viendraient de ce pays seraient regardés comme suspects et soumis à la quarantine.

Art. 12. Le traité d'amitié et de commerce, conclu à Paris, en 1783, par les Plenipotentiaires des Etats Unis et de sa Majesté le Roi de Suède, est renouvellé et mis en vigueur par le présent Traité pour tout ce qui est convenu dans les articles deux, cinq, six, sept, huit, neuf, dix, onze, douze, treize, quatorze, quinze, seize, dixsept, dixhuit, dixneuf, vingtun, vingt deux, vingt trois et vingt cinq du dit traité, ainsi que les articles séparés un, deux, quatre et cinq, qui furent signés le même jour par les mêmes plénipotentiaires et les articles désignés seront regardés comme ayant force et vigueur tout comme s'ils étaient ici insérés mot à mot. Bien entendu que les stipulations contenues dans les articles precités, seront toujours censées ne rein changer aux conventions précédemment conclues avec d'autres nations amies et alliées.

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Stipulations concerning blockade.

ART. 13. Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant vessel, belonging to one of the contracting parties, and destined to a port supposed to be blockaded at that time of her departure, shall not, however be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade. But vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

This Treaty to endure for eight years after the exchange of the ratifications, viz. until 25th Sept. 1826.

ART. 14. The present Treaty, when the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate, and by his Majesty the King of Sweden and Norway, shall continue in force, and be obligatory on the United States and his Majesty the King of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.*

[*Ratifications exchanged at Stockholm, on the 25th Sept. 1818.]

In faith whereof, the respective Plenipotentiaries have signed the present Treaty, and have thereunto set the seal of their arms. Done at Stockholm, the fourth day of September, in the year of Grace one thousand eight hundred and sixteen.

JONA. RUSSELL.
Le Comté D'ENGESTROM.
Le Comté A. G. de MORNER.

Now, therefore. be it known, that I, James Monroe, President of the United States, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, with the exception of the three articles above referred to, may be observed and fulfilled, with good faith, by the United States, and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the city of Washington, this [L. S.] thirty-first day of December, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States the forty-third.

By the President. JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

NOTE. This treaty was to continue in force eight years; consequently it expired on the 25th of September, 1826.

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ART. 13. Vu l'éloignement des pays respectifs des deux hautes parties contractantes et l'incertitude qui en résulte sur les divers événemens qui peuvent avoir lieu, il est convenu qu'un bâtiment marchand appartenant à l'une des parties contractantes et se trouvant destiné pour un port qui serait supposé bloqué au moment du départ de ce bâtiment, ne sera cependant pas capturé ou condamné pour avoir essayé une première fois d'entrer dans le dit port, à moins qu'il ne puisse être prouvé, que le dit bâtiment ait pu et du apprendre, en route, que l'état de blocus de la place en question continuait: mais les bâtimens qui, après avoir été renvoyés une fois, essayeraient pendant le même voyage d'entrer une seconde fois dans le même port ennemi, durant la continuation du blocus, se trouveront alors sujets à être détenus et condamnés.

ART. 14. Le présent Traité des qu'il aura été ratifié par le Président des Etats Unis par et avec l'avis et le consentement du Sénat, et par sa Majesté le Roi de Suède et de Norvège, restera en vigueur et sera obligatoir pour les Etats Unis et sa Majesté le Roi de Suède et de Norvège, pendant l'espace de huit ans, à compter de l'échange des ratifications et celles-ci seront échangées dans huit mois après la signature de ce Traité et plutôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé le présent Traité et y ont apposé le cachet de leurs armes. Fait à Stockholm le quatre Septembre, l'an de Grâce, mil huit cent seize.

JONA. RUSSELL.
Le Comté D'ENGESTROM.
Le Comté A. G. de MORNER.

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By the President of the United States of America. A Proclamation.

Whereas a Treaty of Commerce and Navigation, between the United States of America and His Majesty, the King of Sweden and Norway, together with a separate article thereto, were concluded and signed, by their Plenipotentiaries, at Stockholm, on the fourth day of July, in the year of our Lord, one thousand eight hundred and twenty-seven; which Treaty and Separate Article, being in the French language, and whereof the annexed is a faithful translation, are, word for word, as follows:

No. 3.—*In the name of the most Holy and Indivisible Trinity.*

Mutual desire to continue the good understanding between the two countries.

The United States of America, and his majesty the King of Sweden and Norway, equally animated with the desire of extending and consolidating the commercial relations subsisting between their respective territories, and convinced that this object cannot better be accomplished than by placing them on the basis of a perfect equality and reciprocity, have in consequence agreed to enter into negotiation for a new treaty of Commerce and Navigation; and, to this effect, have appointed Plenipotentiaries, to wit: The President of the United States of America, John James Appleton, Chargé d'Affaires of the said states at the court of his Majesty the King of Sweden and Norway; and his Majesty the King of Sweden and Norway, the Sieur Gustave Count de Wetterstedt, his minister of state and of foreign affairs, knight commander of his orders, knight of the orders of St. Andrew, St. Alexander Newsky, and St. Ann, of the first class, of Russia; knight of the order of the Red Eagle, of the first class, of Prussia; grand cross of the order of Leopold, of Austria; one of the eighteen of the Swedish academy; who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

J. J. Appleton on the part of the U. States, & Sieur Gustave Count de Wetterstedt, on the part of Sweden, negotiators.

Reciprocal rights of commerce, personal protection in mercantile transactions, &c.

Art. 1. The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers, of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce; and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on conditions of their submitting to the laws and ordinances of the respective countries.

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Au nom de la très Sainte et Indivisible Trinité.

Les Etats Unis d'Amérique et sa majesté le Roi de Suède et de Norvège, également animé du désir d'étendre et de consolider les relations commerciales qui subsistent entre leurs territoires respectifs, et convaincus que ce but ne saurait être mieux rempli, qu'en les plaçant sur la base d'une parfaite égalité et réciprocité sont convenus, en conséquence, d'entrer en négotiation pour un nouveau traité de Commerce et de Navigation, et ont nommé, à cet effet, des plénipotentiaires, savoir: le President des Etats Unis d'Amérique, John James Appleton, Chargé d'Affaires des dits Etats à la cour de sa Majesté le Roi de Suède et de Norvège; et sa Majesté le Roi de Suède et de Norvège, le Sieur Gustave Comté de Wetterstedt, son ministre d'état et des affaires etrangères, chevalier commandeur de ses ordres, chevalier des ordres de Russie, de St. André de St. Alexandre Newsky, et de Ste. Anne de la première classe, chevalier de l'ordre de l'Aigle Rouge de Prusse de la premiere classe, grand croix de l'ordre de Léopold d'Autriche, un des dix-huit de l'académie Suèdoise, lesquels, après avoir échange leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les articles suivans:

Art. 1. Les citoyens et sujets de chacune des deux hautes parties contractantes, pourront avec toute sureté, pour leurs personnes, vaisseaux et cargaisons, aborder librement dans les ports, places, et rivières, des territoires de l'autre, partout où le commerce étranger est permis. Its pourront s'y arrêter et résider dans quelque partie que ce soit des dits territoires, et jouiront, généralement de la plus entière sécurité et protection pour les affaires de leur négoce, à charge de se soumettre aux lois et ordonnances des pays respectifs.

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Swedish & Norwegian vessels, and of St. Bartholomew, arriving in the U. S. to be treated on the same footing as national vessels.

ART. 2. Swedish and Norwegian vessels, and those of the Island of St. Bartholomew, arriving either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever.

Reciprocally, the same footing to be extended to American vessels in the ports of Sweden & Norway.

And, reciprocally the vessels of the United States of America, arriving either laden, or in ballast, in the ports of the kingdoms of Sweden and Norway, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever.

Imports in Swedish vessels, to those of St. Barts, to pay no higher duties than national vessels.

ART. 3. All that may be lawfully imported into the United States of America, in vessels of the said states, may also be thereinto imported in Swedish or Norwegian vessels, and in those of the island of St. Bartholomew, from whatever place they may come, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And, reciprocally *imports* in to Sweden or St. Barts, in U. S. vessels, not to pay higher duties than national vessels.

And, reciprocally, all that may be lawfully imported into the kingdoms of Sweden and Norway, in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties, or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

The same principle as to *exports* to govern both nations.

ART. 4. All that may be lawfully exported from the United States of America, in vessels of the said states, may also be exported therefrom in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, without paying other

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ART. 2. Les bâtimens Suèdois et Norvègiens et ceux de l'île de St. Barthélemy qui arriveront sur leur lest ou chargés dans les ports des Etats Unis d'A é ique, de quelq lieu qu'ils viennent, seront traités à leur entrée, pendant leur, séjour et à leur sortie, sur le même pied que les bâtimens nationaux venant du même lieu, par rapport aux droits de tonnage, de fanaux, de pilotage, et de port, ainsi qu'aux vacations des officiers publics, et à tout autre droit ou charge, des quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des administrations locales, ou d'établissemens particuliers quelconques.

Et réciproquement, les bâtimens des Etats Unis d'Amérique qui arriveront sur leur lest ou chargés dans les ports des royaumes de Suède et de Norvège, de quelque lieu qu'ils viennent, seront, traités à leur entrée, pendant leur séjour et à leur sortie, sur le même pied que les bâtimens nationaux venant du même lieu, par rapport aux droits de tonnage, de fanaux, de pilotage et de port, ainsi qu'aux vacations des officiers publics et à tout autre droit ou charge de quelque espéce ou dénomination que ce soit, perçus au nom, ou au profit, du gouvernement, des administrations locales, ou d'établissemens particuliers quelconques.

ART. 3. Tout ce qui pourra légalement être importé dans les Etats Unis d'Amérique, par bâtimens des dits états, pourra également y être importé par bâtimens Suèdois et Norvègiens, ou de l'île de St. Barthélemy, de quelque lieu qu'ils viennent, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit du gouvernement, des administrations locales, ou d'établissemens particuliers quelconques, que si l'importation avait lieu en bâtimens nationaux.

Et réciproquement, tout ce qui pourra légalement être importé dans les royaumes de Suède et de Norvège, par bâtimens Suèdois ou Norvègiens, ou de l'île de St. Barthélemy, pourra également y être importé par bâtimens des Etats Unis d'Amérique, de quelque lieu qu'ils viennent, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit du gouvernement, des administrations locales, ou d'établissemens particuliers quelconques, que si l'importation avait lieu en bâtimens nationaux.

ART. 4. Tout qui pourra légalement être exporté des Etats Unis d'Amérique, par bâtimens des dits états, pourra également en être exporté par bâtimens Suèdois et Norvègiens,

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or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And, reciprocally, all that may be lawfully exported from the kingdoms of Sweden and Norway, in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

Stipulations contained in the three preceeding articles, to be applied to the vessels of both parties, laden or not laden.

ART. 5. The stipulations contained in the three preceeding articles, are, to their full extent, applicable to the vessels of the United States of America, proceeding, either laden, or not laden, to the colony of St. Bartholomew, in the West Indies; whether from the ports of the kingdoms of Sweden and Norway, or from any other place whatsoever; or proceeding from the said colony either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

Coastwise navigation excepted.

ART. 6. It is expressly understood that the foregoing second, third, and fourth articles, are not applicable to the coastwise navigation from one port of the United States of America, to another port of the said states; nor to the navigation from one port of the kingdoms of Sweden or of Norway to another, nor to that between the two latter countries; which navigation each of the two high contracting parties reserves to itself.

Preference not to be granted in importations.

ART. 7. Each of the two high contracting parties engages not to grant, in its purchases, or in those which might be made by companies or agents, acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third power, over those made in the vessels of the other contracting party.

Tonnage duties to be equal, the reservation in the 6th art. excepted.

ART. 8. The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher, or other than those which shall be imposed on every other navigation except that which they have reserved to themselves, respectively, by the sixth article of the present treaty.

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ou de l'île de St. Barthélemy, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que se soit perçus au nom, ou au profit du gouvernement, des administrations locales, ou d'établissemens particuliers quelconques, que si l'exportation avait eu lieu en bâtimens nationaux.

Et réciproquement, tout ce qui pourra légalement être exporté des royaumes de Suède et de Norvège, par bâtimens Suédois et Norvègiens, ou de l'île de St. Barthélemy, pourra également en être exporté par bâtimens des Etats Unis d'Amérique, sans payer d'autres ou plus hauts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom, ou au profit, du gouvernement, des administration locales, ou d'établissement particuliers quelconques, que si l'exportation avait lieu en bâtimens nationaux.

Art. 5. Les stipulations des trois articles précédens sont dans toute leur pléntitude, applicables aux bâtimens des Etats Unis d'Amerique qui se rendront chargés ou non chargés, dans la colonie de St. Barthélemy, aux Indes Occidentales, soit des ports des royaumes de Suède et de Norvège soit de tout autre lieu quelconque, ou qui sortiront de la dite colonie, chargés ou non chargés, pour se rendre, soit en Suède ou en Norvège, soit en tout autre lieu quelconque.

Art. 6. Il est expressément entendu que les articles précédens, deux, trois, et quatre, ne sont point applicables à la navigation de côte ou de cabotage d'un part des Etats Unis d'Amerique, à un autre port des dits états, ni à la navigation d'un port des royaumes de Suède ou de Norvège à un autre, ou a celle entre ces deux derniers pays, navigation que chacune des deux hautes parties contractantes se réserve.

Art. 7. Chacune des deux hautes parties contractantes s'engage à ne donner dans ses achats, ou dans ceux qui seraient faits par des compagnies ou des agens agissant en son nom ou sous son autorité aucune préférence aux importations faites par ses bâtimens ou par ceux d'une nation tierce, sur celles faites dans les bâtimens de l'autre partie contractante.

Art. 8. Les deux hautes parties contractantes s'engagent à ne pas établir sur la navigation entre leurs territoires respectifs, par les bâtimens de l'une ou de l'autre, des droits de tonnage ou autres, de quelque espèce ou dénomination que ce soit, plus hauts ou autres que ceux qui seront établis sur toute autre navigation, excepté celle qu'elles se sont respectivement réservée par le sixieme article du présent traité.

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No prohibition, or restrictions, on the exportation or importation of the productions of each which does not equally extend to those of any other country.

ART. 9. There shall not be established, in the United States of America, upon the products of the soil or industry of the kingdoms of Sweden and Norway, or of the island of St. Bartholomews, any prohibition or restriction of importation, or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties, shall, likewise, be established upon articles of like nature, the growth of any other country.

And, reciprocally, there shall not be established in the kingdoms of Sweden and Norway, nor in the island of St. Bartholomews, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties, be likewise established upon articles of like nature, the growth of the island of St. Bartholomew, or of any other place, in case such importation be made into, or from, the kingdoms of Sweden and Norway; or of the kingdoms of Sweden and Norway or of any other place, in case such importation or exportation be made into, or from, the island of St. Bartholomew.

Privilege of transit, bounties and drawbacks, to be reciprocally allowed.

ART. 10. All privileges of transit, and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties, upon the importation or exportation of any article whatsoever, shall, likewise, be allowed on the articles of like nature, the products of the soil or industry of the other contracting party, and on the importations and exportations made in its vessels.

Vessels may enter ports, & depart in continuance of the voyage, paying only pilotage, wharfage, or light-house money.

ART. 11. The citizens or subjects of one of the high contracting parties, arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port, or after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage, without paying any other duties, imposts, or charges, whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of light-houses, when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation, and the places and ports which they may enter, as are, or shall be, in force with regard to national vessels; and that the custom-house officers shall be permitted to visit them, to remain on board and to take all such precautions as may be necessary

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ART. 9. Il ne pourra pas être établi dans les Etats Unis d'Amérique, sur les productions du sol ou de l'industrie des royaumes de Suède et de Norvège, et de l'île de St. Barthélemy, aucune prohibition ou restriction d'importation ou d'exportation, ni aucuns droits, de quelque espèce ou dénomination que ce soit, qu'autant que ces prohibitions, ces restrictions, et ces droits seraient également établis sur les objets de même nature provenant de toute autre contrée.

Et réciproquement, il ne pourra pas être établi dans les royaumes de Suède, et de Norvège, ni dans l'île de St. Barthélemy, sur les productions du sol ou de l'industrie des Etats Unis d'Amérique, aucune prohibition ou restriction d'importation ou d'exportation, ni aucuns droits, de quelque espèce ou dénomination que ce soit, qu'autant que ces prohibitions, ces restrictions et ces droits, seraient également établis sur les objets de même nature provenant, dans le cas où l'importation ou l'exportation aurait lieu dans ou hors des royaumes de Suède et de Norvège, de l'île de St. Barthélemy ou de tout autre endroit; et dans le cas où l'importation ou l'exportation aurait lieu dans ou hors l'île de St. Barthélemy, des royaumes de Suède et de Norvège ou de tout autre endroit.

ART. 10. Toute faculté d'entrepôt et toutes primes et rémboursemens de droits, qui seroient accordés dans les territoires d'une des hautes parties contractantes, à l'importation ou à l'exportation de quelque objet que ce soit, seront également accordés aux objets de même nature produits du sol ou de l'industrie de l'autre partie contractante, et aux importations et exportations faites dans ses bâtimens.

ART. 11. Le citoyens ou sujets de l'une des hautes parties contractantes, arrivant avec leurs bâtimens à l'une des côtes appartenant à l'autre, mais ne voulant pas entrer dans le port, ou, après y être entrés, ne voulant décharger aucune partie de leur cargaison, auront la liberté de partir et de poursuivre leur voyage, sans payer d'autres droits, impôts ou charges quelconques, pour le bâtiment ou la cargaison, que les droits de pilotage, de quayage, et d'entretien de fanaux, quand ces droits sont perçus sur les nationaux dans les mêmes cas. Bien entendu, cependant qu'ils se conformeront toujours aux réglemens et ordonnances concernant la navigation et les places ou ports dans lesquels ils pourront aborder, qui sont, ou seront en vigueur pour les nationaux, et qu'il sera permis aux officiers des doûanes de les visiter, de rester à bord, et de prendre telles précautions, qui pourraient être necessaries

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to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

Duties to be paid only for that part of the cargo unloaded.

ART. 12. It is further agreed, that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes, as the captain or owner may wish, and that they may freely depart with the remainder, without paying any duties, imposts, or charges, whatsoever, except for that part which shall have been landed, and which shall be marked upon, and erased from, the manifest, exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the custom-h use of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage, to one, or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are, or may become chargeable, upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges, of the same description, shall be demanded anew in the ports of the same country, which such vessels might, afterwards, wish to enter, unless national vessels be, in similar cases, subject to some ulterior duties.

No duty on the remainder.

All duties to be paid at the first port where bulk is broken.

Each party allowed to have consuls, vice consuls, or commercial agents, in the port of the other.

ART. 13. Each of the high contracting parties grants to the other, the privilege of appointing, in its commercial ports, and places, consuls, vice consuls, and commercial agents, who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that, in case of illegal or improper conduct, with respect to the laws or government of the country in which said consuls, vice consuls, or commercial agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archieves and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of the consuls, vice consuls, or commercial agents, and of the authority of the place where they may reside.

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pour prévenir tout commerce illicite, pendant que les bâtimens resteront dans l'enceinte de leur jurisdiction. 1827. July 4.

ART. 12. Il est aussi convenu que les bâtimens de l'une des hautes parties contractantes, étant entrés dans les ports de l'autre, pourront se borner à ne décharger qu'une partie de leur cargaison, selon que le capitaine ou propriétaire le désirera, et qu'ils pourront s'en aller librement avec le reste, sans payer de droits, impôts ou chargés quelconques, que pour la partie qui aura été mise à terre, et qui sera marquée et biffée sur le manifeste, qui contendra l'enumération des effets dont le bâtiment était chargé, lequel manifeste devra être présenté en entier à la douane du lieu où le bâtiment aura bordé. Il ne sera rien payé pour la partie de la cargaison que le bâtiment remportera, et avec la quelle il pourra continuer sa route pour un ou plusieurs autres ports du même pays, et y disposer du reste de sa cargaison, si elle est composée d'objets dont l'importation est permise, en payant les droits qui y sont applicables, ou bien il pourra s'en aller dans tout autre pays. Il est cependant entendu que les droits, impôts ou chargés quelconques, qui sont ou seront payables pour les bâtimens mêmes, doivent être acquittés au premier port où ils romproient le chargement ou en dechargeroient une partie, mais qu'aucuns droits, impôts ou charges pareils ne seront demandés de nouveau dans les ports du même pays, où lesdits bâtimens pourroient vouloir entrer après, à moins que les nationaux ne soient sujets à quelques droits ulterieurs dans le même cas.

ART. 13. Chacune des hautes parties contractantes, accorde à l'autre la faculté d'entretenir dans ses parts et places de commerce, des consuls, vice consuls, ou agens de commerce, qui jouiront de toute la protection, et recevront toute l'assistance nécessaire pour remplir duement leur fonctions; mais il est expressément déclaré que dans le cas d'une conduite illégale ou impropre envers les lois ou le gouvernement du pays dans lequels lesdits consuls, vice consuls, ou agens de commerce, résideroient ils pourront être poursuivis et punis conformément aux lois et privés de l'exercice de leurs fonctions par le gouvernement offensé qui fera connoitre à l'autre ses motifs pour avoir agi ainsi, bien entendu cependant que les archives et documens relatifs aux affaires du consulat seront à l'abri de toute recherche, et devront être soigneusement conservés sous le scellé des consuls, vice consuls, ou agens commerciaux, et de l'autorité de l'endroit où ils résideroient.

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Authority and rights of consuls.

The consuls, vice consuls, or commercial agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said consuls, vice consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment, or arbitration, shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of the country.

Assistance of the local authorities may be required by consuls.

ART. 14. The said consuls, vice consuls, or commercial agents, are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment, of the deserters from the ships of war and merchant vessels of their country; and, for this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused.

Consuls may arrest deserters from the vessels of their nation, who are not to be detained more than two months in prison.

Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But, if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

In case of shipwreck, friendly aid shall be afforded and property restored, if claimed within a year and a day, upon paying salvage.

ART. 15. In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels

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Les consuls, vice consuls, et agens commerciaux, ou ceux qui seroient duement autorisés à les suppléer auront le droit, comme tels, de servir de juges et d'arbitres dans les differens qui pourroient s'élever entre les capitaines et les équipages des bâtimens de la nation dont ils soignent les intérêts, sans que les autorités locales puissent y entervenir, à moins que la conduite des équipages ou du capitaine ne troublât l'ordre ou la tranquillité du pays, ou que lesdits consuls, vice consuls, ou agens commerciaux ne réquissent leur intervention pour faire exécuter ou maintenir leurs décisions. Bien entendu que cette espèce de jugement ou d'arbitrage ne saurait pourtant priver les parties contendantes du droit qu'elles ont, à leur retour de recouvrir aux autorités indiciares de leur patrie.

Art. 14. Les dits consuls, vice consuls, ou agens commerciaux, seront autorisés à requérir l'assistance des autorités locales pour l'arrestation, la détention, et l'emprisonnement de déserteurs des navires de guerre et marchands de leur pays, et ils s'addresseront, pour cet objet, aux tribunaux, juges et officiers compétens, et reclameront, par écrit, les déserteurs sus mentionnés, en prouvant, par la communication des régistres des navires, ou rôles de l'équipage, ou par d'autres documens officiels, que de tels individus ont fait partie desdits équipages, et cette réclamation ainsi prouvée l'extradition ne sera point réfusée.

De tels déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition desdits consuls, vice consuls, ou agens commerciaux, et pourront être enfermés dans les prisons publiques, à la réquisition et aux frais de ceux que les reclament, pour être envoyés aux navires auxquels ils appartenoient, ou à d'autres de la même nation. Mais s'ils ne sont pas renvoyés dans l'espace de deux mois, à compter de jour de leur arrestation, ils seront mis en liberté, et ne seront plus arrêtés pour la même cause.

Il est entendu, toutefois, qui si le déserteur se trouvoit avoir commis quelque crime ou délit, il pourra être sursis à son extradition, jusqu' à ce que le tribunal nanti de l'affaire, aura rendu sa sentence, et que celle-ci ait reçu son exécution.

Art. 15. Dans le cas où quelque bâtiment de l'une des hautes parties contractantes, aura échoué, fait, naufrage, ou souffert quelqu' autre dommage sur les côtes de la domination de l'autre, il sera donné tout aide et assistance aux personnes, naufragées, ou qui se trouveraint en danger, et il leur sera accordé des passeports pour retourner dans leur patrie. Les

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and merchandise, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the salvage companies shall not compel the acceptance of their services, except in the same cases, and after the same delays, as shall be granted to the captains and crews of national vessels. Moreover, the respective governments will take care that these companies do not commit any vexatious or arbitrary acts.

Bill of health.

ART. 16. It is agreed that vessels arriving directly from the United States of America, at a port within the dominions of his Majesty the King of Sweden and Norway, or from the territories of his said Majesty in Europe at a port of the United States, and provided with a bill of health, granted by an officer having competent power to that effect, at the port whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health officer of the port where such vessel shall have arrived; after which said vessel shall be allowed immediately to enter and unload their cargoes: Provided always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not, during their passage, have communicated with any vessel liable, itself, to undergo a quarantine; and that the country whence they came shall not, at that time, be so far infected or suspected, that, before their arrival an ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

Proviso—quarantine regulations.

Certain articles of the Treaty of 3d April, 1788 (see p. 204) revived in part.

ART. 17. The second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeeth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth, articles of the treaty of amity and commerce concluded at Paris on the third of April, seventeen hundred eighty-three, by the plenipotentiaries of the United States of America and of his Majesty the King of Sweden, together with the first, second, fourth, and fifth separate articles, signed on the same day by the same plenipotentiaries, are revived, and made applicable to all the countries under the dominion of the present high contracting parties, and shall have the same force and value as if they were inserted in the context of the presen

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bâtimens et les marchandises naufragés, ou leur produit, s'ils ont été vendus, seront restitués à leurs propriétaires ou ayant cause, s'ils sont réclamés dans l'an et jour, en payant les frais de sauvetage que payeroient les nationaux dans les mêmes cas. Et les compagnies de sauvetage ne pourront faire accepter leurs services que dans les mêmes cas, et après les mêmes délais qui seraient accordés aux capitaine et aux equipages nationaux. Les gouvernemens respectifs veilleront d'ailleurs à ce que ces compagnies ne se permettent de vexations ou d'actes arbitraires. 1827. July 4.

ART. 16. Il est convenu que les bâtimens qui arriveront directement des Etats Unis d'Amérique, à un port de la domination de sa Majesté le Roi de Suède et de Norvège, ou des territoires de sa dite Majesté en Europe, à un port des Etats Unis, et qui seroient pourvus d'un certificat de santé, donné par l'officier compétent à cet égard du port d'où les bâtimens sont sortis, et assurant qu'aucune maladie maligne ou contagieuse n'éxistait dans ce port, ne seront soumis à aucune autre quarantaine que celle qui sera nécessaire pour la visite de l'officier de santé du port ou les bâtimens seroient arrivés, après laquelle il sera permis à ces bâtimens d'entrer immédiatement et de décharger leurs cargaison, bien entendu, toutefois, qu'il n'y ait eu personne à leur bord qui ait été attaqué pendant le voyage d'une maladie, maligne ou contagieuse que les bâtimens n'aient point communiqué dans leur traversée avec un bâtiment qui seroit lui même dans les cas de subir une quarantaine, et que la contrée d'où ils viendroient ne fut pas, à cette époque si généralement infectée ou suspecte, qu'on ait rendu, avant leur arrivée, une ordonnance, d'après laquelle tous les bâtimens venant de cette contrée seroient regardés comme suspects, et en conséquence, assujettis à une quarantaine.

ART. 17. Les articles deux, cinq, six, sept, huit, neuf, dix, onze, douze, treize, quatorze, quinze, seize, dix-sept, dix-huit, dix-neuf, vingtun, vingt deux, vingt trois, et vingt cinq du traité, d'amitié et de commerce, conclu à Paris, le trois Avril, mil sept cent quatre vingt-trois, par les plenipotentiaires des Etats Unis d'Amérique, et de sa Majesté le Roi de Suède, ainsi que les articles séparés, un deux, quatre et cinq qui furent signés le même jour par les mêmes plénipotentiaires, sont remis en vigueur et rendus applicables à tous les pays sous la domination des hautes parties, actuellement contractantes, et auront la même force et valeur que s'ils etaient insérés textuellement dans le présent traité. Bien entendu que les stipulations contenues dans

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treaty; it being understood that the stipulations contained in the articles above cited, shall always be considered as in no manner affecting the conventions concluded by either party with other nations, during the interval between the expiration of the said treaty of one thousand seven hundred eighty-three, and the revival of said articles by the treaty of commerce and navigation, concluded at Stockholm by the present high contracting parties, on the fourth of September, one thousand eight hundred and sixteen.

Not to affect treaties concluded in the interval.

Definition of blockade.

ART. 18. Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel, belonging to either of them, which may be bound to a port supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned for having attempted, a first time to enter said port, unless it can be proved that said vessel could and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port during the continuance of said blockade, shall then subject themselves to be detained and condemned.

To continue in force for ten years.

ART. 19. The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if before the expiration of the first nine years, neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

Ratification to be exchanged within nine months.

ART. 20. The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by his Majesty the King of Sweden and Norway, and the ratifications to be exchanged at Washington within the space of nine months from the signature, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed the present treaty, by duplicates, and have affixed thereto the seals of their arms. Done at Stockholm, the fourth of July, in the year of Grace, eighteen hundred and twenty-seven.

J. J. APPLETON, [L. S.]
G. COUNT DE WETTERSTEDT. [L. S.]

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les articles précités seront toujours, censés ne rien changer aux conventions conclues de part et d'autre, avec d'autres nations dans l'intervalle ecoulé entre l'expiration du dit traité de mil sept-cent quatre-vingt-trois, et la remise, en vigueur, des dits articles par le traité de commerce et de navigation, conclu par les hautes parties actuellement contractantes, à Stockholm, le quatre Septembre, mil-huit-cent seize. 1827. July 4.

ART. 18. Vû l'éloignement des pays respectifs des deux hautes parties contractantes et l'incertitude qui en résulte sur les divers événemens qui peuvent avoir lieu, il est convenu qu'un bâtiment marchand appartenant à l'une d'elles, qui se trouverait destiné pour un port supposé bloqué au moment du départ de ce bâtiment, ne sera cependant pas capturé ou condamné pour avoir essayé une première fois d'entrer dans le dit port, à moins qu'il ne puisse être prouvé que le dit bâtiment avait pû et dû apprendre en route que l'état de blocus de la place en question duroit encore: mais les bâtimens qui après avoir été renvoyés une fois, essayeroient pendant le même voyage d'entrer une seconde fois dans le même port bloqué, durant la continuation de ce blocus, se trouveront alors sujets à être détenus et condamnés.

ART. 19. Le present traité sera en vigueur pendant dix années, à partir du jour de l'échange des ratifications, et, si avant l'éxpiration des neuf prémières années, l'une ou l'autre des hautes parties contractantes n'avait pas annoncé à l'autre, par une notification officielle, son intention d'en faire cesser l'éffet, ce traité restera obligatoire une année au delà et ainsi de suite jusqu' à l'expiration des douze mois qui suivront une semblable notification, à quelque époque quelle ait lieu.

ART. 20. Le présent traité sera ratifié par le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat, et par sa Majesté le Roi de Suède et de Norvège, et les ratifications en seront echangées à Washington, dans l'espace de neuf mois après la signature, ou plutôt, si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé le présent traité en duplicata, et y ont apposé le cachet de leurs armes. Fait à Stockholm, le quartre Juillet, l'an de Grâce mil huit cent vingt-sept.

J. J. APPLETON, [L. S.]
G. COMTE DE WETTERSTEDT. [L. S.]

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Separate Article.

Separate article

Certain relations of proximity and ancient connexions having led to regulations for the importation of the products of the Kingdoms of Sweden and Norway into the Grand Duchy of Finland, and that of the products of Finland into Sweden and Norway, in vessels of the respective countries, by special stipulations of a treaty still in force, and whose renewal forms, at this time, the subject of a negotiation between the courts of Sweden and Norway and Russia, said stipulations being, in no manner, connected with the existing regulations for foreign commerce in general, the two high contracting parties, anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the eighth, ninth, and tenth articles of the present treaty shall not be applicable either to the navigation and commerce above mentioned, nor, consequently, to the exceptions in the general tariff of custom-house duties, and in the regulations of navigation resulting therefrom, nor to the special advantages which are, or may be granted to the importation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway.

Eighth, ninth, and tenth articles not applicable to the commerce of Finland.

The present separate article shall have the same force and value as if it were inserted, word for word, in the treaty signed this day, and shall be ratified at the same time.

In faith whereof, we, the undersigned, by virtue of our respective full powers, have signed the present separate article, and affixed thereto the seals of our arms.

Done at Stockholm, the fourth of July, one thousand eight hundred and twenty-seven.

J. J. APPLETON, [L. S.]
G. COUNT DE WETTERSTEDT, [L. S.]

Ratification.

And whereas, the said treaty and separate article, have been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the eighteenth day of January, one thousand eight hundred and twenty-eight, by Henry Clay, Secretary of State of the United States, and Robert Baron de Stackelberg, Colonel, Knight of the Order of the Sword, and Charge d'Affaires of His Majesty the King of Sweden and Norway, near the said United States, on the part of their respective governments:

Now, therefore, be it known, that I, John Quincy Adams, President of the United States of America, have caused the said treaty, and separate article, to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

19 Jan. 1828.

Done at the City of Washington, this nineteenth day of January, in the year [L. S.] of our Lord, 1828, and of the Independence of the United States the fifty-second. JOHN QUINCY ADAMS.

By the President: H. CLAY, Secretary of State.

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Article Séparé.

Des rapports de proximité et d'anciennes relations ayant fait régler l'importation des productions des royaumes des Suède et de Norvège dans le grand duché de Finlande, et celle des productions de la Finlande en Suède et en Norvège sur les bâtimens des pays respectifs, par des stipulations spéciales d'un traité encore en vigueur, et dont le renouvellement forme un objet de négociation actuelle, entre les cours de Suède et de Norvège et de Russie, sans que lesdites stipulations soient liées aux réglemens existants pour le commerce étranger en général, les deux hautes parties contractantes voulant écarter de leurs relations commerciales tout espèce d'équivoque ou de motif de discussion, sont tombées d'accord que le articles huit, neuf et dix du présent traité, ne seront point applicables ni à la navigation et au commerce susmentionnés, et par conséquent aux exceptions dans les tarifs généraux des douanes, et dans les réglemens de navigation qui en résultant, ni aux avantages speciaux qui sont ou pourroient être donnés à l'importation du suif et des chandelles de Russie, motivés par des avantages équivalens accordés en à des articles d'importation de Suède et de Norvège.

Le présent article séparé aura la même force et vigueur que s'il était inséré mot à dans le traité signé aujourd'hui, et sera ratifié en même tems.

En foi de quoi, nous soussignés, en vertu de nos pleins pouvoirs respectifs, avons signé le présent article séparé, et y avons apposé le cachet de nos armes.

Fait à Stockholm, le quatre Juillet, mil huit cent vingt sept.

J. J. APPLETON, [L. S.]
G. COMTE DE WETTERSTEDT, [L. S.]

NOTE.—This Treaty is to continue in force for ten years, and so on, until one of the parties shall, by giving twelve month's notice, officially announce its intention to arrest its operation.

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1782.
November 30.

TREATIES AND CONVENTIONS
BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN.

Provisional articles between the U. States and Great Britain.

No. 1.—*Articles agreed upon, by and between Richard Oswald, esquire, the commissioner of his Britannic majesty, for treating of peace with the commissioners of the United States of America, in behalf of his said majesty, on the one part, and John Adams, Benj Franklin, John Jay, and Henry Laurens, four of the commissioners of the said states for treating of peace with the commissioners of his said majesty, on their behalf, on the other part, to be inserted in, and to constitute the treaty of peace, proposed to be concluded between the crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France; and his Britannic majesty shall be ready to conclude such treaty accordingly:*

Equity and reciprocity declared to be the basis of this treaty.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states; it is agreed to form the articles of the proposed treaty, on such principles of liberal equity and reciprocity, as that partial advantages, (those seeds of discord,) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both, perpetual peace and harmony.

His Britannic majesty acknowledges the thirteen United States to be free sovereign, and independent.

ART. 1. His Britannic majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof. And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz:

The boundaries of the U. States & their territories defined and admitted.

ART. 2. From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the

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Atlantic ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Philipeaux, to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence to a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands as now are, or heretofore have been within the limits of the said province of Nova Scotia.

The boundaries of the U. States and their territories defined and admitted.

ART. 3. It is agreed that the people of the United States shall continue to enjoy unmolested, the right to take fish of every kind on the Grand Bank, and on all the other banks of

The people of the U. States to have the right to take fish on

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1783. September 3.

Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

No impediment allowed to the recovery of debts on either side.

ART. 4. It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

Congress to recommend to the respectivestates to provide the restitution of confiscated property belonging to real British subjects and others, &c.

ART. 5. It is agreed that the congress shall earnestly recommend it, to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties as may have been confiscated; and that congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

No lawful impediment in the prosecution of just rights.

All confiscations, and prosecutions of persons, for the part they may have taken in the war to cease.

ART. 6. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of, the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty, or property, and that those who may be in confine-

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ment on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued. 1783 September 3.

ART. 7. There shall be a firm and perpetual peace between his Britannic majesty and the said states and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbor within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong. A firm and perpetual peace. Hostilities to cease. Prisoners to be released, &c. Armies & fleets to be withdrawn from the U. S. Artillery to remain. Archives, records, &c. to be restored.

ART. 8. The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States. The navigation of the Mississippi to be free to both nations.

ART. 9. In case it should so happen that any place or territory belonging to Great Britain or to the United States should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation. Conquests on either side, before the arrival of these articles in America, to be restored.

ART. 10. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we, the undersigned, their ministers plenipotentiary, have, in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto. Ratifications to be exchanged in six months.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

[L. S.] D. HARTLEY,
[L. S.] JOHN ADAMS,
[L. S.] B. FRANKLIN,
[L. S.] JOHN JAY.

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No. 4.—*Treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America, by their president, with the advice and consent of their senate.*

Treaty of amity, commerce, and navigation, between the U. States and G. Britain.

His Britannic majesty and the United States of America, being desirous, by a treaty of amity, commerce and navigation, to terminate their differences in such a manner, as, without, reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their plenipotentiaries, and given them full powers to treat of, and conclude the said treaty; that is to say: his Britannic majesty has named for his plenipotentiary, the right honorable William Wyndham, baron Grenville, of Wotton, one of his majesty's privy council, and his majesty's principal secretary of state for foreign affairs; and the president of the said United States, by and with the advice and consent of the senate thereof, hath appointed for their plenipotentiary, the honorable John Jay, chief justice of the said United States, and their envoy extraordinary to his majesty; who have agreed on and concluded the following articles:

Commerce and navigation to be reciprocally beneficial.

Firm and inviolable peace.

ART. 1. There shall be a firm, inviolable, and universal peace, and true and sincere friendship, between his Britannic majesty, his heirs and successors, and the United States of America: and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places.

Great Britain to withdraw her troops from certain posts within the boundary line of the U. S. on or before the 1st June, 1796.

ART. 2. His majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety six, and all the proper measures shall in the interval be taken by concert between the government of the United States, and his majesty's governor general in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: the United States in the meantime, at their discretion, extending their settlements to any part within the said boundary line, except within the precints or jurisdiction of any of

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the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property, of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of his Britannic majesty, shall be considered as having elected to become citizens of the United States.

Settlers & traders residing in the precincts of the posts to be surrendered, to enjoy their property unmolested, &c.

These settlers not to be compelled to become citizens of the U. States, nor to take the oath of allegiance, &c.

ART. 3. It is agreed that it shall at all times be free to his majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass, by land, or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's bay company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood, that this article does not extend to the admission of vessels of the United States into the seaports, harbors, bays, or creeks of his majesty's said territories; nor into such parts of the rivers in his majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading bonâ fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea, into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the atlantic ports or places of the United States, or any of the ports or places of his majesty in Great Britain.

Freedom of intercourse and trade mutually allowed to citizens and subjects of the two parties, and to the Indians, on the continent of America; the limits of Hudson's bay company excepted.

Exceptions as to the admission of vessels of either party.

The river Mississippi to be open to both parties.

All goods and merchandise whose importation into his majesty's said territories in America, shall not be entirely pro-

Goods and merchandise not

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hibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandise shall be subject to no higher or other duties than would be payable by his majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandise whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by his majesty's subjects, and such goods and merchandise shall be subject to no higher or other duties, than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said states. And all goods not prohibited to be exported from the said territories respectively, may, in like manner, be carried out of the same by the two parties respectively, paying duty as aforesaid

wholly prohibited, mutually admitted into the territories of each party, &c.

No duty of entry shall ever be levied by either party on peltries brought by land, or inland navigation, into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bonâ fide to Indians.

No duty of entry to be levied on peltries bro't by land, &c.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying places on either side, for the purpose of being immediately reimbarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed, that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

No higher or other tolls, &c. to be demanded than are payable by natives, on either side.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed, that the respective governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

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ART. 4. Whereas it is uncertain whether the river Mississippi extends so far to the northward, as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between his majesty and the United States; it is agreed, that measures shall be taken in concert between his majesty's government in America, and the government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is abovementioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

A joint survey of the Mississippi to be made from one degree below the falls of St. Anthony to the principal sources of that river to ascertain whether a line drawn due west from the lake of the Woods will intersect the Mississippi, &c

ART. 5. Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners, to be appointed in the following manner, viz:

Commissioners to be appointed to identify the river St. Croix, designated in the definitive treaty of peace, as forming part of the boundary line of the U. S.

One commissioner shall be named by his majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners shall agree on the choice of a third; or if they cannot so agree, they shall each propose one person, and of the two, names so proposed, one shall be drawn by lot in the same presence of the two original commissioners. And the three commissioners so appointed, shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British government and of the United States. The said commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of

The commissioners to make a particular and descriptive declaration as to the identity of the river St. Croix, and their decision to be final.

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their proceedings, shall be delivered by them to the agent of his majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

The U. S. to compensate British creditors, for losses occasioned by legal impediments to the collection of debts contracted before the peace of 1783.

ART. 6. Whereas it is alleged by divers British merchants and others his majesty's subjects, that debts, to a considerable amount, which were bonâ fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been in several instances, impaired and lessened, so that by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for such losses and damages which they have thereby sustained, it is agreed that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had, and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: but it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid and is not to extend to losses occasioned by such insolvency of the debtors, or other causes as would equally have operated to produce such loss, if the said impediments have not existed nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

Limitation of this provision to losses sustained by legal impediments only.

Five commissioners to be appointed to ascertain the amount of losses which the U. S. consent to make good to British creditors, &c.

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, and authorised to meet and act in manner following, viz: Two of them shall be appointed by his majesty, two of them by the president of the United States, by and with the advice and consent of the senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners named by the two parties shall respectively propose one person, and of the two names so proposed one shall be drawn by lot, in the presence of the four original commissioners. When the five commissioners thus appointed shall first meet, they shall, before they proceed to act,

Commissioners to take an oath.

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respectively take the following oath or affirmation, in the presence of each other; which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz. *I, A. B. one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America, do solemnly swear* (or affirm) *that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said commissioners: and that I will forbear to act as a commissioner, in any case in which I may be personally interested.*

Form of the oath to be taken by the commissioners.

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commissioners, provided that one of the commissioners named on each side, and the fifth commissioner shall be present, and all decisions shall be made by the majority of the voices of the commissioners then present. Eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorised, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months, after the expiration thereof. The said commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

Three Commissioners to form a board.

Proviso.

Eighteen months allowed for receiving claims, with an extension of the time for six months in just and reasonable cases.

The commissioners to meet at Philadelphia.

The said commissioners in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now respectively existing in the two

Rules prescribed, and powers vested in the commissioners, for the investigation of claims &c.

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countries, or in such other manner as the said commissioners shall see cause to require or allow.

Award of the commissioners to be final.

The award of the said commissioners, or of any three of them as aforesaid, shall, in all cases, be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant.

The U. S. to pay in specie, &c.

And the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said commissioners may be directed: provided always,

No payment to British creditors previously to a year after the ratification of this treaty.

that no such payment shall be fixed by the said commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

The British government to make compensation to citizens of the U. S. for illegal captures of their vessels by British subjects.

ART. 7. Whereas complaints have been made by divers merchants and other citizens of the United States, that during the course of the war in which his majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnation of their vessels and other property, under color of authority or commissions from his majesty; and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained, cannot now be actually obtained, had, and received, by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received by the said merchants and others in the ordinary course of justice, full and complete compensation for the same will be made by the British government to the said complainants.

This provision not to extend to losses occasioned by negligence of claimants.

But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

Five commissioners to be appointed with the same powers as those appointed in virtue of the 6th article of this treaty, &c. for adjusting the amount of indemnification for illegal British captures.

That for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorised to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (mutatis mutandis,) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorised to extend the same in particular cases. They shall receive testimony, books, papers, and evidence in the same latitude, and exercise the like discretion and powers respecting that

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subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them as aforesaid, shall in all cases, be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and his Britannic majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given by the claimant, as by the said commissioners may be directed.

And the commissioners appointed, also to decide respecting claims to be paid by the U. States to British subjects for losses sustained by captures under the circumstances mentioned in a letter from Mr Jefferson to Mr Hammond, of the 5th Sept. 1793.

And whereas certain merchants and others, his majesty's subjects, complain, that in the course of the war they have sustained loss and damage, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the states, and brought into the ports of the same, or taken by vessels originally armed in ports of the said states: It is agreed that in all such cases, where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5, 1793, a copy of which is annexed to this treaty, the complaints of the parties shall be and hereby are referred to the commissioners, to be appointed by virtue of this article, who are hereby authorised and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants, in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which, in such awards, shall be specified; and on condition of such releases or assignments to be given by the claimants, as in the said awards may be directed: and it is further agreed, that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning of this article.

The commissioners to be paid according to subsequent agreement.

Art. 8. It is further agreed, that the commissioners mentioned in this and in the two preceding articles, shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the same commissions, shall be defrayed jointly by the two parties, the same being previously ascertain-

Other expenses to be defrayed jointly.

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ed and allowed by the majority of the commissioners. And in the case of death, sickness, or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioners shall take the same oath or affirmation, and do the same duties.

Vacancies in the commission to be filled in the manner of the first appointments, &c.

American citizens and British subjects holding lands in the territory of either party, to exercise the rights appertaining thereto, as if they were natives.

ART. 9. It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

No debts, or moneys, vested in funds to be confiscated in the event of war &c.

ART. 10. Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor moneys which they may have in the public funds, or in the public or private banks, shall ever, in any event of war or national differences, be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective governments, should ever be destroyed or impaired by national authority, an account of national differences and discontents.

Reciprocity of navigation and commerce under certain limitations.

ART. 11. It is agreed between his majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles:

Trade allowed to the British West Indies, in vessels of the U. States, not exceeding 70 tons, and in such articles as British vessels may carry thither from the U. States.

ART. 12. His majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of his majesty's islands and ports in the West Indies from the United States, in their own vessels, not being above the burden of seventy tons, any goods or merchandises, being of the growth, manufacture, or produce of the said states, which it is or may be lawful to carry to the said islands or ports, from the said states, in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges, than shall be payable on the like articles if imported there from the said states in British vessels.

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And his majesty also consents, that it shall be lawful for the said American citizens to purchase, load, and carry away in their said vessels to the United States from the said islands and ports, all such articles, being of the growth, manufacture, or produce of the said islands, as may now by law be carried from thence to the said states in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Vessels of the U. States allowed to export from the British West Indies to the U. States, such articles as may be carried thither in British vessels, &c.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared, that during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or cotton, in American vessels, either from his majesty's islands, or from the United States to any part of the world, except the United States, reasonable sea stores excepted. Provided also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands, into the United States, and to export from the United States, to the said islands, all articles whatever being of the growth, produce, or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said states, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties, or charges, than shall be payable on the same articles if so imported or exported in American vessels.*

Proviso: restricting the vessels of the United States, to a direct trade with the British WestIndies, &c.

Proviso: allowing importations and exportations from and to the British West Indies, in British vessels, &c.

[*This article thus far annulled.]

It is agreed that this article and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which his majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace, by which the same may be terminated.

Limitation of this art. to the period of 2 y'rs after the signing of preliminary articles of peace between Great Britain and the powers at war with her in 1794

And it is further agreed, that at the expiration of the said term, the two contracting parties will endeavor further to regulate their commerce in this respect, according to the situation in which his majesty may then find himself, with respect to the West Indies and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavor to agree whether in any and what cases neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct

After the expiration of this article, further regulations to be the result of future efforts; as well with respect to trade with the British West Indies, as concerning certain neutral rights, &c.

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towards each other in these respects shall be regulated by the articles hereinafter inserted on those subjects.

Vessels belonging to citizens of the U. States to be admitted into the ports of the British East Indies, &c.

ART. 13. His majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the seaports and harbors of the British territories in the East Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided, only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports, no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbor in the said territories, or if they should be per-

Proviso: restricting, in time of war, the exportation of military and naval stores and rice from the British ports.

Reciprocity as to tonnage duties, &c. Also, as to duties on cargoes.

The trade from the British East Indies to be direct to the U. States, &c.

American vessels not allowed to carry on the coasting trade in the British East Indies, &c.

The citizens of the U. States not to reside in, or go into the interior parts of the British East Indies, without permission, &c.

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mitted in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction of what nature established in such harbor, port, or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may from time to time establish there.

Citizens of the U. States may touch at the island of St. Helena for refreshments, &c.

ART. 14. There shall be between all the dominions of his majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively, shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and generally, the merchants and traders on each side, shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

Reciprocal and perfect liberty, of commerce, &c. between the British European dominions and the United States, &c.

ART. 15. It is agreed that no other or higher duties shall be paid by the ships or merchandise of the one party, in the ports of the other, than such as are paid by the like vessels or merchandise of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles, the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

Neither party to pay, in the ports of the other, higher duties than are paid there by other nations on like articles, &c.

Great Britain reserves the right of equalizing tonnage duties; as also to countervail the difference of duties on European & Asiatic goods, imported in American, or in British vessels.

But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America: and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and

The parties to treat for a more exact equaliza-

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people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time, with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval, it is agreed that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

tion of duties, at the time mentioned in the 12th art. hereof

The U. States, in the interval, not to increase existing duties, nor the differences therein.

Consuls may be reciprocally appointed; to enjoy their proper rights, after being duly admitted as such; and may be dismissed, or sent home, the reasons being assigned therefor, &c.

ART. 16. It shall be free for the two contracting parties, respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

Either of the parties may except from the residence of consuls such particular places, as such party shall judge proper to be so excepted.

Vessels captured on suspicion of having contraband, or enemy's property to be sent into the nearest port the contraband, &c. to be taken out and the vessel to be allowed to proceed.

ART. 17. It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port; and if any property of any enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

Specification of contraband.

ART. 18. In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised, all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, caracasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberds, lances, javelins, horse furniture, holsters,

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belts, and generally all other implements of war; as also timber for ship building, tar or rozin, copper in sheets, sails, hemp and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks, only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy. 1794. November 19. Contraband goods confiscated.

And whereas the difficulty of agreeing on the precise cases which alone provisions and other articles, not generally contraband, may be regarded as such, renders it inexpedient to provide against the inconveniencies and misunderstandings which might thence arise: it is further agreed that whenever any such articles, so becoming contraband according to the existing laws of nations, shall, for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or in their default, the government, under whose authority they act, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention. Provisions and other articles, when from particular circumstances, they are contraband, to be paid for on seizure.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded, or invested: it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice, she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper: nor shall any vessel or goods of either party, that may have entered into such port or place, before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof. Vessels of either party, not to be detained, on attempting to enter a blockaded place, unless previously warned off. Vessels and goods of either party, found in an invested place, after surrender, to be restored to the owners.

Art. 19. And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war, or privateers of either party, all commanders of ships of war, and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be. Those concerned in private armed vessels, on either side, to be answerable for damages done by them.

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For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound, in the sum of fifteen hundred pounds sterling, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commissions shall be revoked and annulled.

Commanders of privateers to give bonds, &c. to be answerable for misconduct.

It is also agreed, that whenever a judge of a court of admiralty of either of the parties, shall pronounce sentence against any vessel, or goods, or property, belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

Authentic copies of process of condemnation in admiralty courts, to be furnished without delay, on payment of fees

ART. 20. It is further agreed, that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

Pirates not to be received, nor concealed.

And all their ships, with the goods or merchandises taken by them and brought into the port of either of the said parties, shall be seized, as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them, (proper evidence being first given in the court of admiralty for proving the property,) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

Ships and goods brought into the ports of either party, by pirates to be seized & restored.

ART. 21. It is likewise agreed, that the subjects and citizens of the two nations, shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punc-

Citizens and subjects not to accept commissions from a third power, to act in a hostile manner against either party.

A third, enemy, power, not allowed to enlist citizens or subjects of either party.

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tually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen, having such commission, or letters of marque, as a pirate.

Persons taken offending against the provisions of this article, may be treated as pirates.

ART. 22. It is expressly stipulated, that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Acts of reprisal not to be authorised by either party, without previous demand of satisfaction, &c.

ART. 23. The ships of war of each of the contracting parties, shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And his majesty consents, that in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of his majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received and be permitted to re-fit, and to purchase, at the market price, such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be bonâ fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

The ships of war of each party, to be hospitably received and well treated in the ports of the other.

American vessels, not usually allowed to enter British ports, but compelled to do so by stress of weather, &c. to be kindly received: but not to break bulk, unless indispensably necessary.

ART. 24. It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other prince or state in enmity

Privateers of a third (enemy) power not to arm in the

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with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

ports of either nation, nor to sell their prizes, &c.

Prizes made by ships of war & privateers of either party allowed to enter and depart from the ports of each other, without examination.

ART. 25. It shall be lawful for the ships of war and privateers belonging to the said parties respectively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes when they arrive at, and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states. But the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Nothing in this treaty to operate contrary to existing treaties with other nations, &c.

Neither party to allow the ships or goods belonging to citizens or subjects of the other to be taken within cannon shot of its coast.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of the territories, by ships of war, or others having commission from any prince, republic or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

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ART. 26. If at any time a rupture should take place (which God forbid,) between his majesty and the United States, the merchants and others, of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining, and continuing their trade, so long as they behave peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months, from the publication of the order, shall be allowed them for that purpose, to remove with their families, effects and property; but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared, that such rupture shall not be deemed to exist, while negotiations for accommodating differences shall be depending, nor until the respective ambassadors, or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which, both parties retain their rights, either to request the recall or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

In case of a rupture, the merchants & others of the two nations, during good behaviour permitted to continue their business, &c.

Merchants, &c. of either party, when suspected and ordered to remove, allowed 12 months to settle their business.

Circumstances which shall determine the period of a rupture.

ART. 27. It is further agreed, that his majesty and the United States on mutual requisitions, by them respectively, or by their respective ministers, or officers, authorized to make the same, will deliver up to justice, all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other: provided, that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

Persons charged with murder or forgery seeking an asylum in the dominions of either party, to be delivered up on requisition, &c.

ART. 28. It is agreed, that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, that whereas the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall terminate the present war, in which his majesty is engaged, it is

Duration of this treaty.

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agreed, that proper measures shall, by concert, be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head may, by that time, be perfected, and ready to take place. But if it should unfortunately happen, that his majesty and the United States should not be able to agree on such new arrangements, in that case, all the articles of this treaty, except the first ten, shall then cease and expire together.

This treaty, after the mutual exchange of ratifications, to be binding, &c.

Lastly. This treaty, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be binding, and obligatory on his majesty and on the said states, and shall be by them respectively executed and observed, with punctuality and the most sincere regard to good faith; and whereas it will be expedient in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time, and other circumstances, cannot now be perfected; it is agreed, that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them, as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship: and that the said articles, after having been duly ratified, shall be added to, and make a part of this treaty.

Other articles may be proposed, and added to this treaty.

In faith whereof, we, the undersigned, ministers plenipotentiary of his majesty the king of Great Britain, and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London, this nineteenth day of November, one thousand seven hundred and ninety-four.

GRENVILLE, [L. S.]
JOHN JAY. [L. S.]

NOTE.—The first ten articles of this treaty to be permanent; the others, with the exception of the 12th, limited to twelve years; the subject of the 12th article to be discussed anew, before its expiration; but if no further arrangement can be made, then all the articles, except the ten first, to expire together.

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PHILADELPHIA, *September* 5, 1793. 1794. November 19.

SIR,

I am honored with yours of August 30. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace. and for the restoration of the prizes the Lovely Lass, Prince William Henry, and the Jane of Dublin; and that should the measures for restitution fail in their effect, the president considered it as incumbent on the United States to make compensation for the vessels.

Letter from Thomas Jefferson to George Hammond, on the subject of compensation for British vessels captured by cruisers fitted out in ports of the U.States.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Obligation of the U States, in relation to three belligerent nations, to protect their vessels, &c. in American ports &c.

Though we have no similar treaty with Great Britain, it was the opinion of the president, that we should use towards that nation the same rule, which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas, and brought into our ports; if done by vessels which had been armed within them.

The rule extended to Great Britain, altho' not required by treaty.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the president thought it incumbent on the United States to make compensation for them: And though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June, and before the date of that letter, yet when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.

The president determined to make compensation for certain vessels, for the restitution of which suitable efforts had not been made by the U.States.

As to prizes made under the same circumstances and brought in after the date of that letter, the president determined, that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other powers in the analagous case, he did not mean to give an opinion that it ought to be done to Great Britain. But, still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the president would think compensation equally incumbent on the United States.

Determination of the president as to future similar cases.

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1794. November 19.

Governors of states instructed to use all the means in their power to restore prizes found in their ports, &c.

Instructions are given to the governors of the different states, to use all the means in their power for restoring prizes of this last description found within their ports. Though they will, of course, take measures to be informed of them, and the general government has given them the aid of the custom house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself, or any person under your direction, in order that the governors may use the means in their power for making restitution.

Mr. Hammond to communicate with governors of states, &c.

Without knowledge of the capture they cannot restore it. It will always be best to give the notice to them directly; but any information which you shall be pleased to send to me, also, at any time, shall be forwarded to them as quickly as distance will permit.

Intention of the president distinctly stated.

Hence you will perceive, Sir, that the president contemplates restitution or compensation in the case before the 7th of August; and after that date, restitution if it can be effected by any means in our power.

Important for Mr. Hammond to substantiate facts.

And that it will be important that you should substantiate the fact, that such prizes are in our ports or waters.

His list of privateers correct.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

Losses by detention, &c. to be ascertained by persons to be appointed by collectors and the British consuls.

With respect to losses by detention, waste, spoliation sustained by vessels taken as beforementioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the time of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly, to the collector of the customs where the respective vessels are.

I have the honor to be, &c.

THOMAS JEFFERSON.

GEORGE HAMMOND, Esq.

ADDITIONAL ARTICLE.

That part of the 12th art. of the treaty of Nov. 19th, 1794, relating to the trade between U. States and British W. India islands, suspended.

It is further agreed between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade which his said majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner and on the terms and conditions therein specified shall be suspended.

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FIRST EXPLANATORY ARTICLE. 1796. May 4.

Explanation concerning the 3d art. of the treaty of Nov. 1794.

Reference to the rights secured to the British and Indiads by that article.

Reference to the 8th art. of the treaty of Greenville, concluded on the 3d of August, 1795, which prohibits the residence of persons, as traders, at the Indian towns, without a license from the U. States.

Doubts concerning the compatibility of the 3d art. of the treaty of Nov. 1794, between the U States & G. Britain, and the 8th article of the treaty of Greenville, respecting British and Indian rights.

Whereas by the third article of the treaty of amity, commerce, and navigation, concluded at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, between his Britannic majesty and the United States of America, it was agreed that it should at all times be free to his majesty's subjects and to the citizens of the United States, and also the Indians dwelling on either side of the boundary line assigned by the treaty of peace to the United States, freely to pass and repass by land, or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay company only excepted) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: and whereas, by the eighth article of the treaty of peace and friendship concluded at Greenville, on the third day of August, one thousand seven hundred and ninety-five, between the United States and the nations or tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottowas, Chippewas, Putawatimies, Miamis, Eel River, Weeas, Kickapoos, Piankashaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or hunting camps of the said Indian tribes, as a trader, who is not furnished with a license for that purpose, under the authority of the United States: which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the said third article of the treaty of amity, commerce, and navigation: and it being the sincere desire of his Britannic majesty and of the United States, that this point should be so explained, as to remove all doubts, and promote mutual satisfaction and friendship: and for this purpose, his Britannic majesty having named for his commissioner, Phineas Bond, esquire, his majesty's consul general for the middle and southern states of America; (and now his majesty's chargé d'affaires to the United States,) and the president of the United States having named for their commissioner, Timothy Pickering, esquire, secretary of state of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation; they, the said commissioners having communicated to each other their full powers, have in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce, and navigation,

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1796. May 4.

entered into the explanatory article, and do by these presents, explicitly agree and declare, that no stipulations in any treaty, subsequently concluded by either of the contracting parties with any other state or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce and navigation, to the subjects of his majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass by land, or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce, and navigation.

The 3d art. of the treaty between the U. States and G. Britain of 19th Nov. 1794, not to be affected by any treaty subsequently concluded with other nations.

This explanatory article, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the said treaty of amity, commerce, and navigation, and shall be permanently binding upon his majesty and the United States.

This article, after mutual ratification to make part of the treaty, between the U. States and Great Britain, of Nov. 19, 1794.

In witness whereof, we, the said commissioners of his majesty the king of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals. Done at Philadelphia, this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND, [L. S.]
TIMOTHY PICKERING. [L. S.]

SECOND EXPLANATORY ARTICLE.

Whereas, by the twenty-eighth article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States, signed at London, on the nineteenth of November, one thousand seven hundred and ninety-four, it was agreed that the contracting parties would, from time to time, readily treat of and concerning such further articles as might be proposed, that they would sincerely endeavor so to form such articles, as that they might conduce to mutual convenience, and tend to promote mutual satisfaction and friendship; and that such articles, after having been duly ratified, should be added to, and make a part of that treaty: and whereas difficulties have arisen with respect to the execution of so

Reference to the 27th art. of the treaty between the U. States & Great Britain of Nov. 19, 1794, which permits additional articles to that treaty.

Difficulties in relation to the source of the river St. Croix.

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1798. March 15.

much of the fifth article of the said treaty, as requires that the commissioners, appointed under the same, should, in their description, particularize the latitude and longitude of the source of the river, which may be found to be the one truly intended in the treaty of peace, between his Britannic majesty and the United States, under the name of the river St. Croix, by reason whereof it is expedient, that the said commissioners should be released from the obligation of conforming to the provisions of the said article in this respect. The undersigned being respectively named by his Britannic majesty, and the United States of America, their plenipotentiaries for the purpose of treating of and concluding such articles, as may be proper to be added to said treaty, in conformity to the abovementioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare, in the name of his Britannic majesty, and of the United States of America, that the commissioners appointed under the 5th article of the said treaty, shall not be obliged to particularize, in their description, the latitude and longitude of the source of the river, which may be found to be the one truly intended in the aforesaid treaty of peace, under the name of the river St. Croix, but they shall be at liberty to describe the said river in such other manner as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said commissioners in this respect, by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, that as soon as may be, after the decision of the said commissioners, measures shall be concerted between the government of the United States, and his Britannic majesty's governors, or lieutenant governors, in America, in order to erect and keep in repair a suitable monument, at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may be requisite, be duly executed on both sides, with punctuality and good faith.

The commissioners appointed in virtue of the 5th article of the treaty between the U. States & Great Britain, of Nov. 19, 1794, not obliged to particularize the latitude and longitude of the source of the St Croix.

A monument to be erected at the source of the St. Croix.

This explanatory article, when the same shall have been ratified by his majesty, and by the president of the United States, by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of, the treaty of amity, commerce, and navigation, between his majesty and the United States, signed at London, on the nineteenth day of November, one thousand

This article, after mutual ratification to make part of the treaty of Nov. 19, 1794.

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seven hundred and ninety-four, and shall be permanently binding upon his majesty and the United States.

In witness whereof, we, the said undersigned plenipotentiaries of his Britannic majesty, and the United States of America, have signed this present article, and have caused to be affixed thereto, the seal of our arms. Done at London this fifteenth day of March, one thousand seven hundred and ninety-eight.

GRENVILLE, [L. S.]
RUFUS KING. [L. S.]

No. 5.—*Convention between the United States and Great Britain.*

Difficulties in the execution of the 6th article of the treaty between the U. States & Great Britain of the 19th Nov. 1794; consequent suspension of proceedings under the 7th article of the same treaty, &c.

Difficulties having arisen in the execution of the sixth article of the treaty of amity, commerce, and navigation, concluded at London, on the fourth day of November, one thousand seven hundred and ninety-four, between his Britannic majesty and the United States of America, and in consequence thereof the proceedings of the commissioners under the seventh article of the same treaty, having been suspended; the parties to the said treaty being equally desirous, as far as may be, to obviate such difficulties, have respectively named plenipotentiaries to treat and agree respecting the same, that is to say: his Britannic majesty has named for his plenipotentiary, the right honorable Robert Banks Jenkinson, commonly called lord Hawkesbury, one of his majesty's most honorable privy council and his principal secretary of state for foreign affairs: and the president of the United States, by and with the advice and consent of the senate thereof, has named for their plenipotentiary, Rufus King, esquire, minister plenipotentiary of the said United States to his Britannic majesty, who have agreed to and concluded the following articles:

The 6th article of the treaty between the U. States & Great Britain of Nov. 19, 1794, annulled; except, &c In lieu of the obligations imposed by the 6th art. the U. States agree to pay £600,000 sterling at Washington, in three annual instalments of £200,000 each.

Art. 1. In satisfaction and discharge of the money which the United States might have been liable to pay in pursuance of the provisions of the said sixth article, which is hereby declared to be cancelled and annulled, except so far as the same may relate to the execution of the said sixth article, the United States of America hereby engage to pay, and his Britannic majesty consents to accept, for the use of the persons described in the said sixth article, the sum of six hundred thousand pounds sterling, payable at the time and places, and in the manner following, that is to say: the said sum of six hundred thousand pounds sterling, shall be paid at the city of Washington, in three annual instalments of two hundred thousand

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pounds sterling each, and to such person or persons as shall be authorized by his Britannic majesty to receive the same; the first of the said instalments to be paid at the expiration of one year, the second instalment at the expiration of two years, and the third and last instalment at the expiration of three years next following the exchange of the ratifications of this convention. And to prevent any disagreement concerning the rate of exchanges, the said payments shall be made in the money of the United States, reckoning four dollars and forty-four cents to be equal to one pound sterling.

Mode of payment.

ART 2. Whereas it is agreed by the fourth article of the definitive treaty of peace, concluded at Paris on the third day of September, one thousand seven hundred and eighty-three, between his Britannic majesty and the United States, that creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all bonâ fide debts theretofore contracted; it is hereby declared, that the said fourth article, so far as respects its future operation, is hereby recognized, confirmed, and declared to be binding and obligatory on his Britannic majesty and the said United States, and the same shall be accordingly observed with punctuality and good faith, and so as that the said creditors shall hereafter meet with no lawful impediment to the recovery of the full value in sterling money of their bonâ fide debts.

The 4th art. of the definitive treaty of peace, concluded at Paris on the 3d Septem. 1783, which declares there shall be no lawful impediment to the recovery of debts on each side, recognized and confirmed anew.

ART. 3. It is furthermore agreed and concluded that the commissioners appointed in pursuance of the seventh article of the said treaty of amity, commerce, and navigation, and whose proceedings have been suspended as aforesaid, shall, immediately after the signature of this convention, reassemble and proceed in the execution of their duties, according to the provisions of the said seventh article: except only, that instead of the sums awarded by the said commissioners being made payable at the time or times by them appointed, all sums of money by them awarded to be paid to American or British claimants, according to the provisions of the said seventh article, shall be made payable in three equal instalments, the first whereof to be paid at the expiration of one year, the second at the expiration of two years, and the third and last at the expiration of three years, next after the exchange of the ratification of this convention.

The commissioners appointed in pursuance of the 7th art. of the treaty of November 19, 1794, to proceed in the execution of their duties.

All sums awarded by the commissioners acting under the 7th art. of the treaty of Nov. 19, 1794, to be made payable in three equal instalments.

ART. 4. This convention, when the same shall have been ratified by his majesty and by the president of the United States, by and with the advice and consent of the senate thereof, and the respective ratifications duly exchanged, shall

This convention after mutual ratification to be binding.

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1802. January 8.

be binding and obligatory upon his majesty and the said United States.

In faith whereof, we, the undersigned plenipotentiaries of his Britannic majesty and of the United States of America, by virtue of our respective full powers, have signed the present convention, and have caused the seals of our arms to be affixed thereto.

Done at London, the eighth day of January, one thousand eight hundred and two.

HAWKESBURY, [L. S.]
RUFUS KING. [L. S.]

Treaty of peace between the U. States and G. Britain. Negotiated 24 Dec. 1814. Ratified Feb. 17, 1815.

No. 6.—*Treaty of peace and amity between his Britannic majesty and the United States of America.*

His Britannic majesty, and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding, between them, have, for that purpose, appointed their respective plenipotentiaries, that is to say: His Britannic majesty, on his part, has appointed the right honorable James lord Gambier, late admiral of the white, now admiral of the red squadron of his majesty's fleet, Henry Goulburn, esquire, a member of the imperial parliament, and under secretary of state, and William Adams, esquire, doctor of civil laws: And the president of the United States, by and with the advice and consent of the senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

Firm and universal peace.

ART. 1. There shall be a firm and universal peace between his Britannic majesty and the United States, and between their respective countries, territories, cities, towns and people of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned.

Territory, &c., to be restored; except, &c.

All territory, places, and possessions whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, excepting only, the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, originally

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captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty, as to such possession of the islands and territories claimed by both parties, shall, in any manner whatever, be construed to affect the right of either.

1814. December 24.

Archives, records, &c. to be restored.

Islands in the Passamaquoddy to remain in the hands of the party occupying, &c.

ART. 2. Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens, of the two powers, to cease from all hostilities: and to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed, that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: That the time shall be thirty days in all other parts of the Atlantic ocean, north of the equinoctial line or equator, and the same time for the British and Irish channels, for the Gulf of Mexico and all parts of the West Indies: forty days for the north Seas, for the Baltic, and for all parts of the Mediterranean: sixty days for the Atlantic ocean south of the equator, as far as the latitude of the Cape of Good Hope: ninety days for every other part of the world south of the equator: and one hundred and twenty days for all other parts of the world, without exception.

Orders to be sent to the armies, &c. to cease hostilities

Limitation of time for captures in different latitudes.

ART. 3. All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted

Prisoners of war to be restored, &c.

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during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other, for the sustenance and maintenance of such prisoners.

Reference to the boundary established by the treaty of 1783.

ART. 4. Whereas it was stipulated by the second article in the treaty of peace, of one thousand seven hundred and eighty-three, between his Britannic majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia, on the one part, and East Florida, on the other, shall respectively touch the Bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas, the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan, in the said Bay of Fundy, are claimed by the United States, as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to his Britannic majesty, as having been at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the province of Nova Scotia: in order therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners to be appointed in the following manner, viz: one commissioner shall be appointed by his Britannic majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners so appointed, shall be sworn *impartially to examine and decide upon the said claims, according to such evidence as shall be laid before them on the part of his Britannic majesty and of the United States, respectively.* The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall, by a declaration or report, under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of the two commissioners differing upon all or any of the matters so referred to them, or in the event of both or

Conflicting claims to islands in the bays of Passamaquoddy, Fundy, &c. to be referred to commissioners, &c.

Mode of appointing the commissioners.

Meeting and duties of the commissioners.

In case of the commissioners' differing, &c.

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either of said commissioners refusing, or declining, or wilfully omitting, to act as such, they shall make, jointly or separately, a report or reports, as well to the government of his Britannic majesty as to that of the United States, stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And his Britannic majesty, and the government of the United States, hereby agree to refer the report or reports of the said commissioners, to some friendly sovereign or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one commissioner, together with the grounds upon which the other commissioner shall have refused, declined, or omitted to act, as the case may be.. And if the commissioner so refusing, declining or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other commissioner, then such sovereign or state shall decide, ex parte, upon the said report alone. And his Britannic majesty and the government of the United States engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters so referred.

Reference to the arbitration of a friendly sovereign or state, &c.

Whose decision is to be final.

ART. 5. Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated, in the former treaty of peace between the two powers, as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two powers which extends from the source of the river St. Croix, directly north to the abovementioned northwest angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence, down along the middle of that river, to the forty-fifth degree of north latitude; thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy, has not yet been surveyed; it is agreed, that for those several purposes, two commissioners shall be appointed, sworn, and authorized, to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in

Commissioners to settle other boundaries.

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the present article. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places, as they shall think fit. The said commissioners shall have power to ascertain and determine the points abovementioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraguy, to be surveyed and marked according to the said provisions. The said commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut river, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And, in the event of the said two commissioners differing, or both, or either of them, refusing, or declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Meeting and duties of commissioners.

Commissioners to make a map.

In case of commissioners' differing, &c. reference, &c.

ART. 6. Whereas, by the former treaty of peace, that portion of the boundary of the United States, from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraguy to the lake Superior, was declared to be "along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie, thence along the middle of said communication into lake Erie, through the middle of said lake, until it arrives at the water communication into the lake Huron, thence through the middle of said lake to the water communication between that lake and lake Superior." And whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of his Britannic majesty or of the United States: in order, therefore, finally to decide these doubts, they shall be referred to two commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in

Doubts as to another part of the boundary &c. to be referred to commissioners, &c.

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this present article. The said commissioners shall meet, in the first instance, at Albany, in the state of New York, and shall have power to adjourn to such other place or places, as they shall think fit: the said commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said river, lakes, and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And, in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Meeting and duties of commissioners.

In case of the commissioners differing, &c.

ART. 7. It is further agreed, that the said two last mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby authorized, upon their oaths, impartially to fix and determine according to the true intent of the said treaty of peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two powers, which extends from the water communication between lake Huron and lake Superior, to the most northwestern point of the lake of the Woods, to decide to which of the two parties the several islands lying in the lakes water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary as require it, to be surveyed and marked. The said commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports,

Commissioners to fix the boundary from the water communication between lakes Huron and Superior to the lake of the Woods.

In case of commissioners differing, &c.

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1814. December 24.

declarations, or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state, shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

The several boards of commissioners may appoint a secretary, employ surveyors, &c.

ART. 8. The several boards of two commissioners mentioned in the four preceding articles, shall, respectively, have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of his Britannic majesty, and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective governments. The said commissioners shall be, respectively, paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commission shall be defrayed, equally, by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such commissioner, respectively, shall be supplied in the same manner as such commissioner was first appointed, and the new commissioner shall take the same oath or affirmation, and do the same duties.—It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of commissioners aforesaid, or of the sovereign or state so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war by the party having had such possession, shall be as valid as if such island or islands, had by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

Pay of the commissioners, &c.

Grants of land in islands changing jurisdiction under this treaty, to be valid.

Reciprocal pacification of the Indian tribes.

ART. 9. The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians, with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in one thousand eight hundred and

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eleven, previous to such hostilities: provided always, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects; upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.—And his Britannic majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights and privileges, which they may have enjoyed or been entitled to, in one thousand eight hundred and eleven, previous to such hostilities; provided always, that such tribes or nations shall agree to desist from all hostilities against his Britannic majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

Both parties to use their endeavors to effect the abolition of the slave trade.

ART. 10. Whereas the traffic in slaves is irreconcileable with the principles of humanity and justice, and whereas both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed, that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

This treaty binding when ratified.

Ratifications to be exchanged at Washington.

ART. 11. This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner, if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

[L. S.] GAMBIER,
[L. S.] HENRY GOULBOURN,
[L. S.] WILLIAM ADAMS,
[L. S.] JOHN QUINCY ADAMS,
[L. S.] J. A. BAYARD,
[L. S.] H. CLAY,
[L. S.] JONA. RUSSELL,
[L. S.] ALBERT GALLATIN.

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1815.
July 3.

No. 7.—*A Convention to regulate Commerce between the Territories of the United States and his Britannic Majesty.*

Convention of London, of 3d July, 1815.

The United States of America and his Britannic majesty, being desirous, by a convention, to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory, have respectively named plenipotentiaries and given them full powers to treat of and conclude such convention; that is to say, the president of the United States, by and with the advice and consent of the senate thereof, hath appointed for their plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin, citizens of the United States; and his royal highness the prince regent, acting in the name and on behalf of his majesty, has named for his plenipotentiaries the right honorable Frederick John Robinson, vice-president of the committee of privy council for trade and plantations, joint pay-master of his majesty's forces, and a member of the imperial parliament, Henry Goulbourn, Esq. a member of the imperial parliament, and under secretary of state, and William Adams, Esq. doctor of civil laws; and the said plenipotentiaries having mutually produced and shown their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, *videlicet:*

John Quincy Adams, Henry Clay, & Albert Gallatin, American Negotiators.

Frederick John Robinson, Henry Goulbourn, & William Adams, British Negotiators.

Full powers exchanged.

Reciprocal liberty of commerce between the territories of the U. States & the British territories in Europe.

ART. 1. There shall be between the territories of the United States of America, and all the territories of his Britannic majesty in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries respectively shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers, in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries respectively.

Complete protection to commerce, subject to the laws of each country.

No higher or other duties, on the importation or exportation of the productions, &c. of each country, than on those of other foreign countries.

ART. 2. No higher or other duties shall be imposed on the importation into the United States of any articles, the growth, produce, or manufacture of his Britannic majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of his Britannic majesty in Europe, of any articles, the growth, produce, or manufacture

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of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture, of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to his Britannic majesty's territories in Europe, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce or manufacture of the United States, or of his Britannic majesty's territories in Europe, to or from the said territories of his Britannic majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

Prohibitions on the importation or exportation of the production of either country to extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels, than those payable in the same ports by vessels of the United States; nor in the ports of any of his Britannic majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Equality of duties on American and British vessels.

The same duties shall be paid on the importation into the United States of any articles, the growth, produce, or manufacture of his Britannic majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation into the ports of any of his Britannic majesty's territories in Europe, of any article, the growth, produce, or manufacture of the United States, whether such importation shall be in British vessels or in vessels of the United States.

Equality of duties on the produce&c. of each country, whether imported in American or British vessels.

The same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce or manufacture of his Britannic majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States, or in British vessels; and the same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of the United States, to his Britannic majesty's territories in Europe, whether such exportation shall be in British vessels, or in vessels of the United States.

Equality of duties & bounties on the exportation, from one country to the other of the productions of either, in British or American vessels.

It is further agreed, that in all cases where drawbacks are, or may be allowed upon the re-exportation of any goods, the growth, produce, or manufacture of either country respectively the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a British or an American vessel, but when such re-exportation shall

Drawbacks the same, whether the goods were originally imported in American or British bottoms.

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take place from the United States in a British vessel, or from the territories of his Britannic majesty in Europe, in an American vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

Except in case of re-exportation, in the vessels of one party from the country of the other, to a third foreign nation.

The intercourse between the United States and his Britannic majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of his rights, with respect to such an intercourse.

Intercourse with the British West Indies & North American continental possessions not affected by this article.

U. States' vessels may trade to Calcutta, Madras, Bombay, and Prince of Wales' Island, *direct*, in articles not prohibited.

ART. 3. His Britannic majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, videlicet: Calcutta, Madras, Bombay, and Prince of Wales' Island, and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited; provided only, that it shall not be lawful for them, in any time of war between the British government and any state or power whatever, to export from the said territories, without the special permission of the British government, any military stores or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favored European nations, and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favored European nations.

But not to export military or naval stores or rice thence, when the British are at war.

Citizens of the U. States not to pay for their vessels, in the permitted ports of the E. Indies, more than is paid on vessels of the most favored European nation, &c.

But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

Articles must be conveyed direct to the U.S. and be unladen.

It is also understood, that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and

Vessels of the U. States not to carry on the coasting trade in the British East Indies.

But vessels of the U. States may proceed

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then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade. The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the emperor of China, at the Cape of Good Hope, the Island of St. Helena,* or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that in all that regards this article, the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British government from time to time established.

with part, or the whole, of their original cargoes from one permitted place to another.

American vessels may touch for refreshment in voyages to or from British India and China, at the Cape of Good Hope, St. Helena, &c.

*See the "Declaration" at the end of this convention, p. 280.

ART. 4. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and it is hereby declared, that in case of illegal or improper conduct towards the laws or government of the country to which he is sent, such consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended government assigning to the other the reasons for the same.

Consuls to reside in the dominions of each party.

Consuls may be punished according to law, or sent home.

It is hereby declared, that either of the contracting parties may except from the residence of consuls, such particular places as such party shall judge fit to be so excepted.

Particular places excepted from the residence of consuls.

ART. 5. This convention, when the same shall have been duly ratified by the president of the United States, by and with the advice and consent of the senate, and by his Britannic majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and his majesty for four years from the date of its signature; and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

This convention when ratified, to be obligatory for four years.

Ratification exchanged in six months.

Done at London, this third day of July, in the year of our Lord one thousand eight hundred and fifteen.

[L. S.] JOHN QUINCY ADAMS,
[L. S.] H. CLAY,
[L. S.] ALBERT GALLATIN,
[L. S.] FREDERICK JOHN ROBINSON,
[L. S.] HENRY GOULBOURN,
[L. S.] WILLIAM ADAMS.

NOTE.—This convention was continued for ten years, by the 4th article of the convention of London, of the 20th of October, 1818. See that convention on the next page [280.]

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1815. November 24.

DECLARATION.

Declaration of 24th Nov. 1815

The undersigned, his Britannic majesty's chargé d'affaires, in the United States of America, is commanded by his royal highness the prince regent, acting in the name and on the behalf of his majesty, to explain and declare, upon the exchange of the ratifications of the convention concluded at London, on the third of July of the present year, for regulating the commerce and navigation between the two countries, that in consequence of events which have happened in Europe subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied sovereigns, that St. Helena shall be the place allotted for the future residence of general Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person, and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels, as others, excepting only ships belonging to the East-India company, shall be excluded from all communication with, or approach to, that island.

St. Helena allotted for the residence of Napoleon Bonaparte, for the security of his person.

All vessels except those of the East India Company, excluded from approaching the Island.

It has therefore become impossible to comply with so much of the third article of the treaty as relates to the liberty of touching for refreshment at the Island of St. Helena, and the ratifications of the said treaty will be exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication whatever with the said island, so long as the said island shall continue to be the place of residence of the said Napoleon Bonaparte.*

Treaty exchanged with the understanding referred to.

(Signed) ANTHONY ST. JNO. BAKER.

Washington, November 24, 1815.

* In consequence of the death of Napoleon Bonaparte this restriction was removed on 30th July, 1821.

No. 8.—*Convention with Great Britain.*

Convention of London, of 20 Oct. 1818.

The United States of America, and his Majesty the King of the united kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective plenipotentiaries, that is to say: The president of the United States, on his part, has appointed Albert Gallatin, their envoy extraordinary and minister plenipotentiary to the court of France; and Richard Rush, their envoy extraordinary and minister plenipotentiary to the court of his Britannic majesty: And his majesty has appointed the right honorable Frederick John Robinson, treasurer of his majesty's navy, and

Albert Gallatin & Richard Rush American negotiators.

Frederick John Robinson and Henry Goul-

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1818. October 20.

president of the committee of privy council for trade and plantations; and Henry Goulbourn, esq. one of his majesty's under secretaries of state: who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles:

bourn, British Negotiators. Full powers exchanged.

ART. 1. Whereas differences have arisen respecting the liberty, claimed by the United States, for the inhabitants thereof, to take, dry, and cure, fish, on certain coasts, bays, harbours, and creeks, of his Britannic majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the said United States shall have, forever, in common with the subjects of his Britannic majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland, which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the straits of Bellisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks, of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose, with the inhabitants, proprietors, or possessors, of the ground. And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbours of his Britannic Majesty's dominions in America, not included within the abovementioned limits: Provided, however, that the American fishermen shall be admitted to enter such bays or harbours, for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever, abusing the privileges hereby reserved to them.

Definition of the extent of the common right of fishing, &c., on the coasts of the British dominions in America.

Exception as to the Hudson Bay Company.

Rights of proprietors as to drying or curing fish, to be respected.

Renunciation by the U. States as to other fisheries; provided, &c.

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1818. October 20.

Definition of the northern boundary of the U. States from the Lake of the Woods to the Stony Mountains.

ART. 2. It is agreed that a line drawn from the most north-western point of the Lake of the Woods, along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarkation between the territories of the United States and those of his Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of his Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

Country claimed by either party westward of the Stony Mountains, its harbors, &c. to be free to both parties, until Oct. 20. 1828, without prejudice to the claim of either party, or to that of any other power.

ART. 3. It is agreed, that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects, of the two powers: it being well understood, that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

The convention of London of 3d July 1815, continued for ten years.

ART. 4. All the provisions of the convention "to regulate the commerce between the territories of the United States and of his Britannic Majesty," concluded at London, on the third day of July, in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting, also, so far as the same was affected by the declaration of his Majesty respecting the Island of St. Helena, and hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner as if all the provisions of the said convention were herein specially recited.

Reference to 1st article of the treaty of Ghent.

ART. 5. Whereas it was agreed, by the first article of the treaty of Ghent, that "All territory, places, and possessions, whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, excepting only, the islands hereinafter mentioned, shall be res-

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1818. October 20.

tored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property;" and whereas under the aforesaid article, the United States claim for their citizens, and as their private property, the restitution of, or full compensation for, all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions, whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen, whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restoration of, or full compensation for, all or any slaves, as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or state, to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters referred.

Claim for slaves under the first article of the treaty of Ghent.

Differences growing out of the claims for slaves.

To be referred to some friendly sovereign or state.

The decision to be final.

ART. 6. This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by his Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States, and on his majesty: and the ratifications shall be exchanged in six months from this date, or sooner, if possible.

This convention obligatory on exchange of ratifications.

Ratifications exchanged at Washington on the 30th Jan'y. 1819.

In witness whereof, the respective plenipotentiaries have signed the same, and have hereunto affixed the seal of their arms. Done at London, this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

[L. S.] ALBERT GALLATIN,
[L. S.] RICHARD RUSH,
[L. S.] FREDERICK JOHN ROBINSON,
[L. S.] HENRY GOULBOURN.

NOTE.—Ratified by the Prince Regent on the 2d of November, 1818.—By the President and Senate, on the 28th January, 1819.

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1822. July 12.

CONVENTION OF ST. PETERSBURG.

By the President of the United States of America. A Proclamation.

Whereas a Convention between the United States of America and his Britannic Majesty was concluded and signed at St. Petersburg, under the mediation of the Emperor of all the Russias, on the twelfth day of July last, by the respective Plenipotentiaries of the three powers: and whereas the said Convention has been by them duly ratified, and the respective ratifications of the same were exchanged at Washington, on the tenth day of the present month, by JOHN QUINCY ADAMS, Secretary of State of the United States, the Right Honorable STRATFORD CANNING, Envoy Extraordinary and Minister Plenipotentiary of his Britannic Majesty, and Mr. GEORGE ELLISEN, Charge d'Affaires of his Imperial Majesty the Emperor of all the Russias, on the part of their several Governments: Which Convention is in the words following, to wit:

Convention of St. Petersburg, 12th July, 1822. The U. States and G. Britain agree to refer their differences with respect to the meaning of the 1st art. of the Treaty of Ghent to the Emperor of Russia in pursuance of the 5th art. of the convention of 20th October, 1818.

In the name of the most holy and indivisible Trinity:

The president of the United States of America, and his majesty, the king of the united kingdom of Great Britain and Ireland, having agreed, in pursuance of the fifth article of the convention, concluded at London on the twentieth day of October, 1818, to refer the differences which had arisen between the two governments, upon the true construction and meaning of the first article of the treaty of peace and amity, concluded at Ghent on the 24th day of December, 1814, to the friendly arbitration of his majesty the emperor of all the Russias, mutually engaging to consider his decision as final and conclusive. And his said imperial majesty having, after due consideration, given his decision upon these differences in the following terms to wit:

His Imp. Majesty's award. The U. States are entitled to claim a just indemnification for such slaves as were within the places and territories to be restored, &c. Such slaves as may have been transferred from these territories to Britishvessels with in the waters of the said territories, and have not been restored, to be considered as carried away. For American slaves, who were carried away from territories not stipulated to be restored, no indemnification to be claimed.

"That the United States of America are entitled to claim from Great Britain a just indemnification for all private property, which the British forces may have carried away; and as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the treaty stipulates the restitution, in quitting these same places and territories.

That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the abovementioned territories to British vessels within the waters of the said territories and who for this reason may not have been restored.

"But that if there should be any American slaves who were carried away from territories of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are *not* entitled to claim an indemnification for the said slaves."

Now for the purpose of carrying into effect this award of his Imperial Majesty, as arbitrator, his good offices have been farther invoked to assist in framing such Convention or articles of agreement between the United States of America and

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1822.
July 12.

CONVENTION DE ST. PÉTERSBOURG.

Au nom de la très-sainte et indivisible Trinité:

Le président des Etats Unis d'Amérique, et sa Majesté le Roi du Royaume uni de la Grande Bretagne et de l'Irlande, ayant décidé d'un commun accord en conséquence de l'article V. de la Convention, conclue à Londres le 20 Octobre, 1818, que les différends qui se sont élevées entre les deux gouvernemens sur la construction et le vrai sens du 1r article du traité de paix et d'amitié, conclu à Gand le 24 Décembre, 1814, seraient déferés à l'arbitrage amical de sa Majesté l'Empereur de toutes les Russies; s'étant en outre engagés réciproquement à regarder sa décision comme finale et définitive; et sa Majesté Imperialé après mûre considération, ayant émis cette decision dans les termes suivans.

"Que les Etats Unis d'Amérique sont en droit de réclamer de la Grand Bretagne une juste indemnité pour toutes les propriétés particulières que les forces Britanniques auroient emportées; et comme il s'agit plus spécialement d'esclaves, pour tous les esclaves que les forces Britanniques auroient emmenés des lieux et territoires dont le traité stipule la restitution, en quittant ces mêmes lieux et territoires.

"Que les Etats Unis sont en droit de regarder comme emmenés tous ceux de ces esclaves qui, des territoires indiqués cidessus auroient été transportés à bord vaisseaux Britanniques mouillés dans les eaux des dits territoires, et qui par ce motif n'auroient pas été restitues."

"Mais que s'il y a des esclaves Américains emmenés de territoires dont l'article 1r du traité de Gand n'a pas stipulé la restitution aux Etats Unis, les Etats Unis ne sont pas en droit de réclamer une indemnité pour les dits esclaves."

Comme il s'agit à présent de mettre cette sentence arbitrale à exécution, les bons offices de sa Majesté Impériale ont été encore invoqués, afin qu'une convention arrêtée entre les Etats Unis et sa Majesté Britannique stipulât les articles

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His Imperial Majesty's good offices have been invoked to assist in framing a convention between the United States and Great Britain.

his Britannic Majesty, as shall provide the mode of ascertaining and determining the value of slaves and of other private property, which may have been carried away in contravention of the treaty of Ghent, and for which indemnification is to be made to the citizens of the United States, in virtue of his Imperial Majesty's said award, and shall secure compensation to the sufferers for their losses, so ascertained and determined. And His Imperial Majesty has consented to lend his mediation for the above purpose, and has constituted and appointed Charles Robert Count Nesselrode, His Imperial Majesty's Privy Counsellor, Member of the Council of State, Secretary of State directing the Imperial Department of Foreign Affairs, Chamberlain, Knight of the order of Saint Alexander Nevsky, Grand Cross of the order of Saint Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of the Annunciation of Sardinia, of the Polar Star of Sweden, of the Elephant of Denmark, of the Golden Eagle of Wirtemburg, of Fidelity of Baden, of St. Constantine of Parma, and of Guelph of Hanover; John Count Capodistrias, His Imperial Majesty's Privy Counsellor, and Secretary of State, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of St. Maurice, and of St. Lazarus of Sardinia, of the Elephant of Denmark, of Fidelity and of the Lion of Zahringen of Baden, Burgher of the Canton of Vaud, and also of the Canton and of the Republic of Geneva, as his Plenipotentiaries to treat, adjust and conclude, such articles of agreement as may tend to the attainment of the above mentioned end with the Plenipotentiaries of the United States, and of His Britannic Majesty, that is to say: on the part of the President of the United States, with the advice and consent of the Senate thereof, Henry Middleton, a citizen of the said United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of all the Russias: and on the part of His Majesty the King of the United Kingdom of Great Britain and Ireland, the right honorable Sir Charles Bagot, one of his majesty's most honorable Privy

Russian Plenipotentiaries, Charles Robert Count Nesselrode, and John Count Capodistrias.

Plenipotentiary of the U. States H. Middleton.

Plenipotentiary of G. Britain Sir Charles Bagot.

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d'un accord propre à établir d'une part, le mode a suivre pour fixer et déterminer la valeur des esclaves ou autres propriétés privées qui auroient été emmenés en contravention au Traité de Gand, et pour lesquels les citoyens des Etats Unis auraient droit de réclamer une indemnité en vertu de la décision cidessus mentionnée de Sa Majesté Impériale; de l'autre a assurer un dédommagement aux individus qui ont supporté les pertes qu'il s'agit de vérifier et d'évaleur. Sa Majesté Impériale a consenti à preter sa mediation pour le dit objet, et a fondé et nomme le Sieur Charles Robert Comte de Nesselrode, son Conseiller privé, Membre du Conseil d'Etat, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, Chambellan actuel, Chevalier de l'ordre de St. Alexander Nevsky, Grand Croix de l'ordre de St. Wladimir de la 1re classe, Chevalier de celui de l'Aigle Blanc de Pologne, Grand Croix de l'ordre de St. Etienne de Hongrie, de l'Aigle Noir et de l'Aigle Rouge de Prusse, de la Légion d'Honneur de France, de Charles III. d'Espagne, de St. Ferdinand et du Mérite de Naples, de l'Annonciade de Sardaigne, de l'Etoile Polaire de Suéde, de l'Eléphant de Dannemarc, de l'Aigle d'or de Würtemberg, de la Fidélité de Bade, de St. Constantin de Parme et des Guelfes de Hanovre; et le Sieur Jean Comte de Capodistrias, son Conseiller privé et secrétaire d'Etat, Chevalier de l'ordre de St. Alexandre Nevsky, Grand Croix de l'ordre de St. Wladimir de la 1re classe, Chevalier de celui de l'Aigle Blanc de Pologne, Grand Croix de l'ordre de St. Etienne de Hongrie, de l'Aigle Noir et de l'Aigle Rouge de Prusse, de la Légion d'Honneur de France, de Charles III. d'Espagne, de St. Ferdinand et du Mérite de Naples, des Sts. Maurice et Lazare de Sardaigne, de l'Elephant de Dannemarc, de la Fidelité et du Lion de Zahringen de Bade, Bourgeois de Canton de Vaud, ainsi que du Canton et de la République de Géneva, pour ses Plénipotentiaires à l'effet de négocier, réglér et conclure tels articles d'un accord qui pourraient faire atteindre la fin indiquée plus haut, conjointement avec les Plénipotentiaires des Etats Unis et de Sa Majesté Britannique savoir, de la part du Président des Etats Unis, de l'avis et du consentement de leur sénat, le sieur Henry Middleton, citoyen des dits Etats Unis et leur Envoyé Extraordinaire et Ministre Plénipotentiaire près sa Majesté Impérial, et de la part de sa Majesté le Roi de Royaume Uni de la Grande Bretagne et de l'Irlande, le très honorable sir Charles Bagot, l'un des membres du très honorable conseil privé de sa Majesté Chevalier Grand Croix du très honorable ordre du Bain et son Ambas-

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Council, Knight Grand Cross of the most honorable order of the Bath, and his Majesty's Ambassador Extraordinary and Plenipotentiary to his Majesty the Emperor of all the Russias: and the said plenipotentiaries, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon the following articles:

Full powers communicated.

Two Commissioners and two Arbitrators to be appointed, one Commissioner and one Arbitrator by the president of the U. States, by and with the advice and consent of the Senate; & one commissioner and one arbitrator by his Britannic Majesty. They shall sit as a board in the City of Washington, & shall appoint their Secretary.

ART. 1. For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of his Imperial Majesty, two commissioners and two arbitrators shall be appointed in the manner following, that is to say: one commissioner and one arbitrator shall be nominated and appointed by the President of the United States of America, by and with the advice and consent of the Senate thereof: and one commissioner and one arbitrator, shall be appointed by his Britannic Majesty. And the two commissioners and two arbitrators, thus appointed shall meet and hold their sittings as a Board in the city of Washington. They shall have power to appoint a Secretary, and before proceeding to the other business of the commission, they shall, respectively, take the following oath (or affirmation) in the presence of each other. Which oath or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings; that is to say:

Oath or affirmation to be taken in presence of each other.

"I, A. B. one of the commissioners (or arbitrators, as the case may be,) appointed in pursuance of the convention concluded at St. Petersburg on the $\frac{30th}{12th}$ day of $\frac{June}{July}$ one thousand eight hundred and twenty-two, between his Majesty the Emperor of all the Russias, the United States of America, and his Britannic Majesty, do solemnly swear (or affirm) that I will diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all matters submitted to me as commissioner (or arbitrator, as the case may be,) under the said convention."

Vacancies to be filled up in the manner of the original appointment.

All vacancies occurring by death or otherwise shall be filled up in the manner of the original appointment, and the new commissioners or arbitrators shall take the same oath or affirmation, and perform the same duties.

If an average value be not agreed upon, as compensation, the commissioners and arbitrators shall examine evidence so as to fix an average value.

ART. 2. If, at the first meeting of this board, the governments of the United States and of Great Britain, shall not have agreed upon an average value, to be allowed as compensation for each slave for whom indemnification may be due: then, and in that case, the commissioners and arbitrators shall conjointly proceed to examine the testimony which shall be

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sadeur Extraordinaire et Plénipotentiaire près sa Majesté Impériale: lesquels Plénipotentiaires, après s'être réciproquement communiqué leurs plein pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des articles suivants: 1822. July 12.

Art. 1. Pour vérifier et déterminer le montant de l'indemnite qui pourra être dûe aux citoyens des Etats Unis par suite de la décision de sa Majesté Imperiale, deux commissaires et deux arbitres seront nommés de la manière suivante, savoir: Un commissaire et un arbitre seront nommés et accrédités, par le Président des Etats Unis, de l'avis et du consentment de leur Sénat; l'autre commissaire et l'autre arbitre seront nommés par sa Majesté Britannique. Les deux commissaires et les deux arbitres, ainsi nommés, se réuniront en conseil, et tiendront leurs séances dans la ville de Washington. Ils auront le pouvoir de choisir un Secrétaire, et avant de procéder au travail de la commission, ils devront prêter respectivement et en présence les uns des autres le serment ou l'affirmation qui suit, et ce serment ou affirmation preté et formellement attesté fera partie du protocole de leurs actes et sera conçu ainsi qu'il suit: "Moi A. B., l'un des commissaires (ou arbitres, suivant le cas,) nommés en execution de la convention conclue à St. Pétersbourg, le $\frac{30 \text{ Juin,}}{12 \text{ Juillet,}}$ mil-huit-cent-vingt et deux, entre sa Majesté L'Empereur de toutes les Russies, les Etats Unis d'Amérique, et sa Majesté Britannique, jure ou affirme solennellement que j'examinerai avec diligence, impartialité et sollicitude, et que je déciderai d'après mon meilleur entendement et en toute justice et équité, toutes les réclamations qui me seront déferées en ma qualité de commissaire (ou d'arbitre, suivant le cas,) à la suite de la dite convention."

Les vacances causées par la mort ou autrement, seront remplies de la même manière qu'au moment de la nomination primitive, et les nouveaux commissaires ou arbitres devront prêter le même serment ou affirmation, et s'acquitter des mêmes devoirs.

Art. 2. Si lors de la première réunion de ce conseil, le gouvernement des Etats Unis et celui de la Grande Bretagne ne sont point parvenus à déterminer d'un commun accord la valuer moyenne qui devra être assignée comme compensation pour chaque esclave, pour lequel il sera dû une indemnité, dans ce cas les commissaries et les arbitres procéderont con-

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produced under the authority of the President of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of slaves at the period of the exchange of the ratifications of the treaty of Ghent; and upon the evidence so obtained, they shall agree upon and fix the average value. But in case that a majority of the board of the commissioners and arbitrators should not be able to agree respecting such average value, then and in that case, recourse shall be had to the arbitration of the minister or other agent of the mediating power, accredited to the government of the United States. A statement of the evidence produced and of the proceedings of the board thereupon, shall be communicated to the said minister or agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed and determined by either of the three before mentioned methods, shall in all cases serve as a rule for the compensation to be awarded for each and every slave, for whom it may afterwards be found that indemnification is due.

In case they shall not agree, the evidence & proceedings shall be submitted to the minister or agent of the mediating power accredited to the U. States, whose decisions shall be final & conclusive.

The two commissioners to constitute a board for examination of claims No claims to be admitted but such as are contained in a list to be furnished by the Secretary of State.

ART 3. When the average value of slaves shall have been ascertained and fixed, the two commissioners shall constitute a board for the examination of the claims which are to be submitted to them, and they shall notify to the Secretary of State of the United States, that they are ready to receive a definitive list of the slaves and other private property, for which the citizens of the United States claim indemnification; it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that his Britannic majesty shall not be required to make compensation for any claims for private property under the first article of the treaty of Ghent, not contained in the said list. And his Britannic majesty hereby engages to cause to be produced before the commission, as material towards ascertaining facts, all the evidence of which his majesty's government may be in possession, by returns from his majesty's officers or otherwise, of the number of slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

His Britannic Majesty to cause to be produced all the evidence in possession of his government of the number of the slaves carried away.

The two commissioners to examine and determine claims under the rule of the

ART. 4. The two commissioners are hereby empowered and required to go into an examination of all the claims submitted, through the above mentioned list, by the owners of slaves or other property, or by their lawful attorneys or repre-

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joir tement à l'examen de tous les temoignages qui leur seront présentés par ordre du Président des Etats Unis, ainsi que de tous les autres témoignages valables qu'ils croiront devoir requerir ou admettre dans la vue d'arrêter la véritable valeur des esclaves à l'époque de l'échange des ratifications du traité de Gand; et d'après les preuves qu'ils auront ainsi obtenues, ils établiront et fixeront la susdite valeur moyenne. Dans le cas où la majorité du conseil des commissaries et arbitres ne pourroit pas s'accorder sur cette valeur proportionelle, alors ou aura recours à l'arbitrage du ministre ou autre agent de la puissance mediatrice accrédité auprès du gouvernement des Etats Unis. Toutes les preuves produites et tous les actes des opérations du conseil à ce sujet, lui seront communiqués et la décision de ce ministre ou agent, basée, comme il vient d'être dit, sur ces preuves et sur les actes de ces operations, sera regardée comme finale et définitive.—C'est sur la valeur moyenne fixée par un des trois modes mentionnés ci-dessus, que devra être règlée en tout état de cause la compensation qui sera accordée pour chaque esclave pour lequel on reconnoitra par la suite, qu'une indemnité est dûe.

Art. 3. Lorsque le prorata aura été ainsi arrêté, les deux commissaires se constitueront, en conseil pour l'examen des réclamations qui leur seront soumises, et ils notifieront au secrétaire d'etat des Etats Unis, qu'ils sont prêts à recevoir la liste définitive des esclaves et autres propriétés privées pour lesquels les citoyens des Etats Unis réclament une indemnité. Il est entendu que les commissaries ne sauroient examiner ni recevoir, et que sa Majesté Britannique ne sauroit, en vertu des clauses de l'article 1er. du traité de Gand, bonifier aucune prétention, qui ne seroit pas portée sur la dite liste. Sa Majesté Britannique s'engage d'autre part à ordonner, que tous les témoignages que son gouvernement peut avoir acquis par les rapports des officiers de sa dite Majesté ou par tout autre canal sur le nombre des esclaves emmenés, soyent mis sous les yeux des commissaires, afin de contribuer à la verification des faits. Mais soit que ses témoignages viennent à être produits, soit qu'ils manquent, cette circonstance ne pourra porter préjudice à une réclamation ou aux réclamations qui par une autre voie seront légitimées d'une manière satisfaisante.

Art. 4. Les deux commissaires sont autorisés et chargés d'entrer dans l'examen de toutes les réclamations qui leur seront soumises au moyen de la liste cidessus mentionnée, par les propriétaires d'esclaves ou les possesseurs d'autres pro-

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sentatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the imperial decision herein above recited, and having reference, if need there be, to the explanatory documents hereunto annexed, marked A. and B.—And in considering such claims, the commissioners are empowered and required to examine, on oath or affirmation, all such persons as shall come before them, touching the real number of the slaves, or value of other property, for which indemnification is claimed: and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions or papers, being duly authenticated, either according to existing legal forms, or in such other manner as the said commissioners shall see cause to require or allow.

imperial decision, with reference, if need be to the annexed documents A. and B.

If the two commissioners shall not agree in any case, they shall draw by lot the name of one of the arbitrators, who shall consult with them, and the opinion of a majority of the three shall be the final decision. The arbitrator while so acting, shall be deemed a commissioner.

ART. 5. In the event of the two commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of this convention, then and in that case they shall draw by lot the name of one of the two arbitrators, who, after having given due consideration to the matter contested, shall consult with the commissioners, and a final decision shall be given conformably to the opinion of the majority of the two commissioners, and of the arbitrator so drawn by lot. And the arbitrator, when so acting with the two commissioners, shall be bound in all respects by the rules of proceeding enjoined by the fourth article of this convention upon the commissioners, and shall be vested with the same powers, and be deemed, for that case, a commissioner.

The decision of the two commissioners, or of the majority, as in the preceding article shall be final.

ART. 6. The decision of the two commissioners, or of the majority of the board, as constituted by the preceding article, shall in all cases be final and conclusive, whether as to number, the value, or the ownership of the slaves, or other property, for which indemnification is to be made. And his Britannic Majesty engages to cause the sum awarded to each and every owner in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times and at such place or places, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given, as they shall direct: provided that no such payment shall be fixed to take place sooner than twelve months from the day of the exchange of the ratifications of this convention.

His Britannic Majesty engages to pay the sums awarded, in specie without deduction at the time & place specified by the commissioners. Payments to be made no sooner than twelve months after the exchange of the ratifications

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priétés, ou par les procureurs ou mandataires de ceux-ci, et à prononcer sur ces réclamations, suivant le degré de leur mérite, la lettre de la décision Impériale citée plus haut, et en cas de besoin la teneur des documens ci annexés et cotés A et B. En considérant les dites réclamations, les Commissaires sont autorisés à interpeller sous serment ou affirmation telle personne qui se présenterait à eux concernant le véritable nombre des esclaves ou la valeur de toute autre propriété pour laquelle il serait réclamé une indemnité; ils sont autorisés de même à recevoir autant qu'ils le jugeront conforme à l'équite et à la justice toutes les dépositions écrites, qui seraient duement legitimées soit d'après les formes existantes, voulues par la loi, soit dans tout autre mode que les dits Commissaires auraient lieu d'exiger ou d'admettre.

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Art. 5. Si les deux Commissaires ne parviennent pas à s'accorder sur une des réclamations qui seront soumises à leur examen, ou s'ils different d'opinion sur une question résultant de la présente convention, alors ils tireront au sort le nom d'un des deux arbitres, lequel après avoir pris en mure délibération l'objet en litige, le discuter avec les commissaires. La décision finale sera prise conformément à l'opinion de la majorité des deux commissaires et de l'arbitre tiré au sort. Dans des cas semblables l'arbitre sera tenu de procéder à tous égards d'après les régles prescrites aux commissaires par le 4me article de la présente convention. Il sera investi des même pouvoirs et censé pour le moment faire les même fonctions.

Art. 6. La décision des deux commissaires ou celle de la majorité du conseil formé ainsi qu'il a été dit en l'article précédent, sera dans tous les cas finale et définitive, soit relativement au nombre et à la valeur, soit pour la vérification de la propriété, des esclaves ou de tout autre bien meuble privé, pour lequel il sera réclamé une indemnité. Et sa Majesté Britannique prend l'engagement que la somme adjugée à chaque proprietaire en place de son esclave ou de ses esclaves, ou de toute autre propriété, sera payée en espéces sans déduction, à tel tems ou à tel termes, et dans tel lieu ou tels endroits, que l'auront prononcé les dits commissaires et sous clause de telles exemptions ou assignations, qu'ils l'auront arrête: pourvu seulement qu'il ne soit pas fixé pour ces payemens de terme plus rapproché que celui de douze mois à partir du jour de l'échange des ratifications de la présente convention.

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The commissioners and arbitrators to be paid as shall be agreed upon between the governments of the U. States & Great Britain, at the exchange of the ratifications. All other expenses to be paid jointly.

ART. 7. It is farther agreed, that the commissioners and arbitrators shall be respectively paid in such manner as shall be settled between the governments of the United States and Great Britain, at the time of the exchange of the ratifications of this convention. And all other expenses attending the execution of the commission shall be defrayed jointly by the United States and his Britannic Majesty, the same being previously ascertained and allowed by the majority of the board.

A certified copy of this Convention, after ratification, to be delivered by each of the contracting parties to the minister or agent of the mediating power, near the U. States.

Exchange to take place in six months or sooner.

Exchange took place, 10th Jan. 1823.

ART. 8. A certified copy of this convention, when duly ratified by his Majesty the Emperor of all the Russias, by the President of the United States, by and with the advice and consent of their Senate, and by his Britannic Majesty, shall be delivered by each of the contracting parties, respectively, to the minister or other agent of the mediating power, accredited to the government of the United States, as soon as may be, after the ratifications shall have been exchanged, which last shall be effected at Washington, in six months from the date hereof, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, drawn up in two languages, and have hereunto affixed their seals.

Done in triplicate, at St. Petersburg, this $\frac{\text{thirtieth}}{\text{twelfth}}$ day of $\frac{\text{June}}{\text{July}}$ one thousand eight hundred and twenty-two.

[L. S.] NESSELRODE.
[L. S.] CAPODISTRIAS.
[L. S.] HENRY MIDDLETON
[L. S.] CHARLES BAGOT.

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ART. 7. Il est convenu en outre, que les commissaires et arbitres recevront de part et d'autre un traitement, dont les Gouvernemens des Etats Unis et de sa Majesté Britannique se réservent de déterminer le montant et le mode, à l'époque de l'échange des ratifications de la présente convention.— Toutes les autres depenses qui accompagneront les travaux de la commission seront supportées conjointement par les Etats Unis et par sa Majesté Britannique. Ces dépenses devront d'ailleurs être au préalable vérifiées et admises par la majorité de conseil.

ART. 8. Lorsque la présente convention aura été duement ratifiée par sa Majesté Impériale, par le Président des Etats Unis de l'avis et du consentement de leur Sénat, et par sa Majesté Britannique, une copie vidimée en sera délivrée par chacune des parties contractantes au ministre ou autre agent de la puissance médiatrice, accrédité près le Gouvernement des Etats Unis et cela le plutôt que faire se pourra, après que les ratifications auront été échangées: cette dernière formalité sera remplie à Washington, dans l'espace de six mois, de la date cidessus, ou plutôt s'il est possible.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont appose respectivement le cachet de leurs armes.

Fait triple à St. Pétersbourg, $\frac{30 \text{ Juin,}}{12 \text{ Juliet,}}$ de l'année mil huit-cent-vingt et deux.

[L. S.] NESSELRODE,
[L. S.] CAPODISTRIAS,
[L. S.] HENRY MIDDLETON,
[L. S.] CHARLES BAGOT.

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A.

[TRANSLATION.]

Count Nesselrode to Mr. Middleton.

The undersigned Secretary of State, directing the Imperial administration of Foreign Affairs, has the honor to communicate to Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, the opinion which the Emperor, his master, has thought it his duty to express upon the object of the differences which have arisen between the United States and Great Britain, relative to the interpretation of the first article of the Treaty of Ghent.

This opinion to be considered as the Emperor's final award

Mr. Middleton is requested to consider this opinion as the award required of the Emperor by the two powers.

And governed in it by the grammatical sense of the first article of the treaty.

He will doubtless recollect, that he, as well as the plenipotentiary of his Britannic Majesty, in all his memorials, has principally insisted on the grammatical sense of the first article of the Treaty of Ghent, and that, even in his note of the 4th [16th] November, 1821, he has formally declared, that it was on the *signification of the words in the text of the article as it now is*, that the decision of his Imperial Majesty should be founded.

The same declaration being made in the note of the British Plenipotentiary, dated 8th [20th] October, 1821, the emperor had only to conform to the wishes expressed by the two parties, by devoting all his attention to the examination of the grammatical question.

Motives set forth.

The abovementioned opinion will show the manner in which his Imperial Majesty judges of this question: and in order that the cabinet of Washington may also know the motives upon which the Emperor's judgment is founded, the undersigned has hereto subjoined an extract of some observations upon the literal sense of the first article of the Treaty of Ghent.

In this respect, the Emperor has confined himself to following the rules of the language employed in drawing up the act, by which the two powers have required his arbitration, and defined the object of their difference.

His Imperial Majesty has thought it his duty, exclusively, to obey the authority of these rules, and his opinion could not but be the rigorous and necessary consequence thereof.

The undersigned eagerly embraces this occasion to renew to Mr. Middleton the assurances of his most distinguished consideration.

NESSELRODE.

St. Petersburg, 22d April, 1822.

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A.

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Le Soussigné, Secrétaire d'Etat dirigeant le Ministère Impériale des affaires étrangères, a l'honneur de communiquer à Monsieur de Middleton, Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats Unis d'Amérique, l'opinion que l'Empereur, son Maître, a cru devoir exprimer sur l'objet des différends qui se sont élevès entre les Etats Unis et la Grande Bretagne, relativement à l'interprêtation de l'article premier du traité de Gand.

Monsieur de Middleton est invité à considérer cette opinion comme la décision arbitrale demandée à l'Empereur par les deux puissances.

Il se rapellera sans doute, qu'aussi bien que le Plenipotentiaire de S M. Britannique, il a dans tous ses mémoires principalement insisté sur le sens grammatical de l'Art. 1. du traité de Gand, et que même dans sa note du $\frac{4}{16}$ Novembre, 1821, il a formellement déclaré que c'étoit sur la *signification des mots dans le texte de l'article tel qu'il existe,* que devoit se fonder la décision de sa Majesté Impériale.

La même déclaration étant consignée dans la note du Plénipotentiaire Britannique en date du $\frac{8}{20}$ Octobre, 1821, l'Empereur n'a fait que se conformer aux vœux énoncés par les deux parties, en vouant toute son attention à l'examen de la question grammaticale. .

L'opinion ci-dessus mentionnée fera connoitre la manière dont sa Majesté Impériale juge cette question, et afin que le cabinet de Washington connoisse également les motifs sur lesquels se fonde le jugement de l'Empereur, le soussigné joint à la presente, un extrait de quelques observations, sur le sens littéral de l'article premier du Traité de Gand.

Sous ce rapport, l'Empereur s'est borné à suivre les règles de la langue employée dans la rédaction de l'acte, par lequel les deux puissances ont réclamé son arbitrage, et défini l'objet de leur différend.

C'est uniquement à l'autorité de ces règles, que sa Majesté Impériale a cru devoir obéir et Son Avis ne pouvoit qu'en être la conséquence rigoreuse et nécessaire.

Le soussigné saisit avec empressement cette occasion, pour réiterer a Monsieur de Middleton les asurances de sa considération très-distinguée.

St. Pétersbourg, ce 22 Avril, 1822.

NESSELRODE.

A Monsieur de Middleton, &c. &c.

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1822. July 12.

A.

[TRANSLATION.]

HIS IMPERIAL MAJESTY'S AWARD.

Invited by the United States of America and by Great Britain to give an opinion, as arbitrator, in the differences which have arisen between these two powers, on the subject of the interpretation of the first article of the Treaty which they concluded at Ghent, on the 24th December, 1814, the Emperor has taken cognizance of all the acts, the memorials, and notes, in which the respective plenipotentiaries have set forth to his administration of foreign affairs the arguments upon which each of the litigant parties depends in support of the interpretation given by it to the said article.

After having maturely weighed the observations exhibited on both sides:

Considerations which influenced the Emperor in making his award.

Considering that the American plenipotentiary and the plenipotentiary of Britain have desired that the discussion should be closed:

Considering that the former, in his note of the 4th (16th) November, 1821, and the latter in his note of the 8th (20th) October, of the same year, have declared that it is *upon the construction of the text of the article as it stands*, that the arbitrator's decision should be founded, and that both have appealed, only as subsidiary means, to the general principles of the law of nations and of maritime law;

The Emperor is of opinion "that the question can only be decided according to the literal and grammatical sense of the first article of the treaty of Ghent."

As to the literal and grammatical sense of the first article of the treaty of Ghent:

Considering that the period upon the signification of which doubts have arisen, is expressed as follows:

"All territory, places, and possessions, whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property *originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty*, or any slaves, or other private property; and all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into

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1822.
July 12.

A.

Opinion de Sa Majesté Impériale.

Invité par les Etats Unis d'Amérique et par la Grande Bretagne à émettre une opinion, comme arbitre dans les differends qui se sont élevés entre ces deux puissances, au sujet de l'interprétation de l'article premier du traité qu'elles ont conclu à Gand, le 24 Decembre, 1814, l'Empereur a pris connoissance de tous les actes, mémoires et notes, où les Plenipotentiaires respectifs ont exposé à son Ministère des affaires étrangères, les argumens que chacune des parties en litige fait valoir à l'appui de l'interprétation qu'elle donne au dit article.

Après avoir murement pesé les observations développées de part et d'autre: considérant que le Plénipotentiaire Américain et le Plénipotentiaire Britannique ont demandé que la discussion fut close, considérant que le premier dans sa note du 4 [16th] Novembre, 1821, et le second dans sa note du 8me [20th] Octobre de la même année, ont déclaré, due c'est *sur la construction du texte de l'article, tel qu'il existe,* que la décision arbitrale doit se fonder, et que l'autre n'ont invoqué que comme moyens subsidiaires, les principes généraux de droit des gens et de droit maritime.

L'Empereur est d'avis, "que ce n'est que d'après le sens littéral et grammatical de l'article 1, du traité de Gand, que la question peut être décidée."

Quant au sens littéral et grammatical de l'article 1, du traité de Gand.

Considérant que la période sur la signification de la quelle il s'éléve des doutes, est construite ainsi qu'il suit.

"Tous les territoires, lieux et possessions quelconques, pris par l'une des parties sur l'autre, durant la guerre, ou qui pourroient être pris après la signature du présent traité, à l'exception seulement des isles ci-dessous mentionnés, seront rendus sans délai et sans faire détruire ou emporter aucune partie de l'artillerie ou autre propriété publique *originairement prise dans les dits forts et lieux et qui s'y trouvera au moment de l'échange des ratifications du traité* ou aucuns esclaves ou autres propriétés privées. Et tout archives, registres, actes et papiers, soit d'une nature publique ou appartenans à des particuliers, qui dans la cours de la guerre peuvent être tombés entre les mains

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the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong."

Considering that, in this period, the words *originally captured, and which shall remain therein upon the exchange of the ratifications*, form an incidental phrase, which can have respect, *grammatically*, only to the substantives or subjects which precede;

That the first article of the treaty of Ghent thus prohibits the contracting parties from carrying away from the places of which it stipulates the restitution, only the public property, *which might have been originally captured there, and which should remain therein upon the exchange of the ratifications*, but that it prohibits the carrying away from those same places, *any private property*, whatever;

That, on the other hand, these two prohibitions are solely applicable to the places of which the article stipulates the restitution:

The U. States, entitled to a just indemnification &c.

The Emperor is of opinion:

"That the United States of America are entitled to a just indemnification, from Great Britain, for all private property carried away by the British forces, and as the question regards slaves more especially, for all such slaves as were carried away by the British forces, from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transported from the above mentioned territories on board of the British vessels, within the waters of the said territories, and who, for this reason, have not been restored.

"But that, if there should be any American slaves who were carried away from territories, of which the first article of the treaty of Ghent has not stipulated the restitution to the United States, the United States are not to claim an indemnification for the said slaves."

The Emperor declares, besides, that he is ready to exercise the office of mediator, which has been conferred on him beforehand by the two states, in the negotiations which must ensue between them, in consequence of the award which they have demanded.

Done at St. Petersburg, 22d April, 1822.

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des officiers de l'une ou de l'autre partie, seront de suite, en tant qu'il sera practicable, restitués et délivrés aux autorités propres et personnes auxquelles ils appartiennent respectivement."

Considérant que dans cette période les mots: *originairement prise et qui s'y trouvera au moment de l'échange des ratifications*, forment une phrase incidente, laquelle ne peut se rapporter *grammaticalement* qu'aux substantifs ou sujets qui précedent.

Qu'ainsi l'article 1 du traité de Gand, ne défend aux parties contractantes d'emporter des lieux dont il stipule la restitution, que les seules propriétés publiques *qui y auroient été originairement prises et qui s'y trouveroient au moment de l'échange des ratifications*, mais qu'il défend d'emporter de ces mêmes lieux, *aucune propriété particulière quelconque.*

Que d'un autre côté, ces deux défenses ne sont applicables qu'uniquement aux lieux dont l'article stipule la restitution.

L'Empereur est d'avis:

"Que les Etats Unis d'Amérique, sont en droit de réclamer de la Grande Bretagne une juste indemnité, pour toutes les propriétés particulières que les forces Britanniques auroient emportées, et comme il s'agit plus spécialement d'esclaves, pour tous les esclaves que les forces Britanniques auroient emmenés des lieux et territoires dont le traité stipule la restitution, en quittant ces mêmes liex et territoires.

"Que les Etats Unis sont en droit de regarder comme emmenés; tous ceux de ces esclaves qui, des territoires indiqués cidessus, auroient été transportés a bord de vaisseaux Britanniques mouillés dans les eaux des dits territoires, et qui par ce motif n'auroient pas été restitués.

"Mais que s'il y a des esclaves Américains emmenés de territoires dont l'article 1 du traité de Gand n'a pas stipulé la restitution aux Etats Unis, les Etats Unis ne sont pas en droit de réclamer une indemnité, pour les dits esclaves."

L'Empereur déclare en outre, qu'il est prêt à exercer l'office de Médiateur qui lui a été déféré d'avance, par les deux états, dans les négociations que doit amener entre eux, la décision arbitrale qu'ils ont demandée.

Fait à St. Pétersbourg, le 22 Avril, 1822.

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1822.
July 12.

B.

[TRANSLATION.]

Count Nesselrode to Mr. Middleton.

The undersigned Secretary of State, directing the Imperial administration of foreign affairs, has, without delay, laid before the Emperor, his master, the explanations into which the Ambassador of His Britannic Majesty has entered with the Imperial Ministry, in consequence of the preceding confidential communication which was made to Mr. Middleton, as well as to Sir Charles Bagot, of the opinion expressed by the Emperor upon the true sense of the 1st Article of the Treaty of Ghent.

Mr Bagot's understanding of the Emperor's opinion.

Sir Charles Bagot understands, that, in virtue of the decision of His Imperial Majesty, "His Britannic Majesty is not bound to indemnify the United States for any slaves, who, coming from places which have never been occupied by his troops, voluntarily joined the British forces, either in consequence of the encouragement which His Majesty's officers had offered them, or to free themselves from the power of their master—these slaves not having been carried away from places or territories captured by His Britannic Majesty during the war, and consequently, not having been carried away from places of which the article stipulates the restitution."

In answer to this observation, the undersigned is charged by His Imperial Majesty to communicate what follows to the Minister of the United States of America.

The Emperor having, by the mutual consent of the two Plenipotentiaries, given an opinion, founded solely upon the sense which results *from the text of the article* in dispute, does not think himself called upon to decide here any question relative to what the laws of war permit or forbid to the belligerents; but, always faithful to the grammatical interpretation of the 1st Article of the Treaty of Ghent, His Imperial Majesty declares, a second time, that it appears to him according to this interpretation;

The Emperor reiterates his opinion.

"That, in quitting the places and territories of which the Treaty of Ghent stipulates the restitution to the United States, His Britannic Majesty's forces had no right to carry away from these same places and territories, absolutely, any slave, by whatever means he had fallen or come into their power.

"But that if, during the war, American slaves had been carried away by the English forces, from other places than those of which the Treaty of Ghent stipulates the restitution,

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B.

1822. July 12.

Le Soussigné Secrétaire d'Etat dirigeant le Ministère Impériale des affaires étrangères, s'est empresse de porter à la connoissance de l'Empereur son maître, les explications dans lesquelles Mr. l'Ambassadeur de S. M. Britannique est entré avec le Ministère Impériale, à la suite de la communication préalable et confidentialle qui a été faite à Monsieur de Middleton ainsi qu'à Mr. le Chevalier Bagot de l'opinion exprimée par l'Empereur, sur le vrai sens de l'art 1er du traite de Gand.

Mr. le Chevalier Bagot extend qu'en vertu de la décision de sa Majesté Impériale, "S. M. Britannique n'est pas tenue à indemniser les Etats Unis d'aucuns esclaves qui, venant des endroits qui n'ont jamais été occupés par ses troupes, se sont volontairement réunis aux forces Britanniques, ou en conséquence de l'encouragement que les officiers de S. M. leur avoit offert, ou se dérober au pouvoir de leur maître, ces esclaves n'ayant pas été emmenés des lieux ou territoires pris par S. M. Britannique durant le guerre, et conséquemment n'ayant pas été emmenés des lieux dont l'article stipule la restitution."

En réponse à cette observation, le soussigné est chargé par Sa Majesté Impériale, de communiquer ce qui suit à Monsieur le ministre des Etats-Unis d'Amérique.

L'Empereur ayant, de consentement mutuel des deux plénipotentiaires, émis une opinion fondée uniquement sur le sens qui résulte *du texte de l'article* en litige, ne se croit appelé à decider ici aucune question relative à ce que les loix de la guerre permettent ou défendent aux parties belligérantes, mais toujours fidèle à l'interprétation grammaticale de l'art. 1er du traité de Gand, Sa Majesté Impériale déclare une seconde fois qu'il lui semble, d'aprés cette interpretation.

"Qu'en quittant les lieux et territoires dont le traité de Gand stipule la restitution aux Etats-Unis, les forces de S. M. Britannique n'avoient le droit d'emmenér de ces mêmes lieux et territoires, absolument aucun esclave, par quelque moyen qu'il fût tombé ou venu se remettre en leur pouvoir."

"Mais que si, durant la guerre, des esclaves Américains avoient été emmenés par les forces Anglôises, d'autres lieux que ceux dont le traité de Gand stipule la restitution, sur terri-

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upon the territory, or on board British vessels, Great Britain should not be bound to indemnify the United States for the loss of these slaves, by whatever means they might have fallen or came into the power of her officers."

Further confirmation of the Emperor's opinion.

Although convinced, by the previous explanations above mentioned, that such is also the sense which Sir Charles Bagot attaches to his observation, the undersigned has nevertheless received from his Imperial Majesty orders to address the present note to the respective plenipotentiaries, which will prove to them, that, in order the better to justify the confidence of the two governments, the Emperor has been unwilling that the slightest doubt should arise regarding the consequences of his opinion.

The undersigned eagerly embraces this occasion of repeating to Mr. Middleton the assurance of his most distinguished consideration.

NESSELRODE.

St. Petersburg, 22d April, 1822.

Now, therefore, be it known, That I JAMES MONROE, President of the United States, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled in good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington, this eleventh day of January, in the year of our Lord one thousand eight hundred and twenty-three, and of the Independence of the United States the forty-seventh.

[L. S.]

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, Secretary of State.

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toire ou à bord de vaisseaux Britanniques, la Grande Bretagne ne seroit pas tenue d'indemniser les Etats-Unis de la perte de ces esclaves, par quelque moyen qu'ils fussent tombés ou venus se remettre au pouvoir de ses officiers."

1822. July 12.

Quoique convaincu, par les explications préalables dont il a été question plus haut, que tel est aussi le sens que Mr. le Chevalier Bagot attache à son observation, le soussigné n'en a pas moins reçu de Sa Majesté Impériale, l'ordre d'addresser aux plénipotentiaires respectifs, la présente note, qui leur prouvera, que pour mieux répondre à la confiance des deux gouvernemens, l'Empereur n'a pas voulu qu'il pût s'enléver le plus leger doute sur les conséquences de son opinion.

Le Soussigné saisit avec empressement cette occasion de réitérer à Monsieur de Middleton, l'assurance de sa considération très distinguée.

NESSELRODE.

St. Pétersbourg, le 22 Avril, 1822.

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1826. November 13.

No. 10.—*Convention awarding the amount of Indemnification under the St. Petersburg Convention.*

By the President of the United States of America. A Proclamation.

Preamble. Whereas a convention between the United States of America, and his Majesty the King of the United Kingdom of Great Britain and Ireland, was concluded and signed at London, on the thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-six, which convention is, word for word, as follows:

Object of this Convention. Difficulties having arisen in the execution of the convention concluded at St. Petersburg, on the twelfth day of July, 1822, under the mediation of his Majesty the Emperor of all the Russias, between the United States of America and Great Britain, for the purpose of carrying into effect the decision of his Imperial Majesty upon the differences which had arisen between the said United States and Great Britain, on the true construction and meaning of the first article of the treaty of peace and amity, concluded at Ghent on the twenty-fourth day of December, 1814, the said United States and his Britannic Majesty, being equally desirous to obviate such difficulties, have respectively named Plenipotentiaries to treat and agree respecting the same; that is to say:

Mr. Gallatin American negotiator. The President of the United States of America has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to his Britannic Majesty:

William Huskisson & H. U. Addington, British negotiators And his Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable William Huskisson, a member of his said Majesty's most Honorable Privy Council, a member of Parliament, president of the committee of Privy Council for affairs of trade and foreign plantations, and treasurer of his said Majesty's Navy, and Henry Unwin Addington, Esquire, late his Majesty's Chargé d'Affaires to the United States of America:

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon, and concluded the following articles:

Art. 1. His Majesty the King of the United Kingdom of Great Britain and Ireland agrees to pay, and the United States of America agree to receive, for the use of the persons entitled to indemnification and compensation by virtue of the said decision and convention, the sum of twelve hundred and

$1,240,960 to be paid in full for indemnification four thousand nine hundred and sixty dollars, current money of the United States, in lieu of, and in full and complete sa-

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tisfaction for, all sums claimed or claimable from Great Britain, by any person or persons whatsoever, under the said decision and convention.

Convention cancelled.

ART. 2. The object of the said convention being thus fulfilled, that convention is hereby declared to be cancelled and annulled, save and except the second article of the same, which has already been carried into execution by the commissioners appointed under the said convention, and save and except so much of the third article of the same, as relates to the definitive list of claims, and has already likewise been carried into execution by the said commissioners.

The sum of $1,240,960, in two equal payments.

ART. 3. The said sum of twelve hundred and four thousand nine hundred and sixty dollars shall be paid at Washington to such person or persons as shall be duly authorized, on the part of the United States, to receive the same, in two equal payments as follows:

First payment in 20 days.

The payment of the first half to be made twenty days after official notification shall have been made, by the government of the United States, to his Britannic majesty's minister in the said United States, of the ratification of the present convention by the president of the United States, by and with the advice and consent of the senate thereof.

And the last on Aug. 1, 1827.

And the payment of the second half to be made on the first day of August, 1827.

Final adjustment.

ART. 4. The above sums being taken as a full and final liquidation of all claims whatsoever arising under the said decision and convention, both the final adjustment of those claims, and the distribution of the sums so paid by Great Britain to the United States, shall be made in such manner as the United States alone shall determine; and the government of Great Britain shall have no further concern or liability therein.

Documents, &c to be delivered up.

ART. 5. It is agreed, that, from the date of the exchange of the ratifications of the present convention, the joint commission appointed under the said convention of St. Petersburg, of the twelfth of July, 1822, shall be dissolved, and, upon the dissolution thereof, all the documents and papers in possession of the said commission, relating to claims under that convention shall be delivered over to such person or persons as shall be duly authorized, on the part of the United States, to receive the same. And the British commissioner shall make over to such person or persons, so authorized, all the documents and papers (or authenticated copies of the same, where the originals cannot conveniently be made over,) relating to

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claims under the said convention, which he may have received from his government for the use of the said commission, conformably to the stipulations contained in the third article of the said convention.

Ratification in six months.

ART. 6. The present convention shall be ratified, and the ratifications shall be exchanged in London, in six months from this date, or sooner, if possible.

In witness whereof, the plenipotentiaries aforesaid, by virtue of their respective full powers, have signed the same, and have affixed thereunto the seals of their arms.

Done at London, this thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-six.

[L. S.] ALBERT GALLATIN,
[L. S.] WILLIAM HUSKISSON,
[L. S.] HENRY UNWIN ADDINGTON.

And whereas the said convention has been duly ratified, on both parts, and the respective ratifications of the same were exchanged at London on the sixth day of February last, by ALBERT GALLATIN, envoy extraordinary and minister plenipotentiary of the United States of America, and HENRY UNWIN ADDINGTON, Esq. late his Britannic Majesty's Charge d'Affaires to the said United States, on the part of their respective governments.

Now, therefore, be it known, That I, JOHN QUINCY ADAMS, President of the United States, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith, by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this nineteenth day of March, in the year [L. S.] of our Lord one thousand eight hundred and twenty-seven, and of the Independence of the United States the fifty-first.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, Secretary of State.

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1817.
November 24.

No. 11.—*Declaration of the Commissioners under the Fourth Article of the Treaty of Ghent.*

NEW YORK, 24th *November*, 1817.

Declaration of the commissioners accompanying their decision.

SIR, The undersigned commissioners, appointed by virtue of the fourth article of the treaty of Ghent, have attended to the duties assigned them; and have decided that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do each of them belong to the United States of America, and that all the other islands in the Bay of Passamaquoddy, and the Island of Grand Menan, in the Bay of Fundy, do each of them belong to his Britannic majesty, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three. The commissioners have the honor to enclose herewith their decision.

Each of the Commissioners has yielded a part of his individual opinion, &c.

In making this decision, it became necessary that each of the commissioners should yield a part of his individual opinion: several reasons induced them to adopt this measure; one of which was the impression and belief that the navigable waters of the Bay of Passamaquoddy, which, by the treaty of Ghent, is said to be part of the Bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own territories and foreign ports.

The undersigned have the honor to be,
With perfect respect, Sir,
Your obedient and humble servants,

J. HOLMES,
THO: BARCLAY,

The Hon. JOHN QUINCY ADAMS, *Secretary of State.*

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1817.
November 24.

No. 12.—*Decision of the Commissioners under the Fourth Article of the Treaty of Ghent.*

Decision of the Commissioners under the 4th article of the treaty of Ghent. New York, 24 Nov. 1817.

By Thomas Barclay and John Holmes, esquires, commissioners, appointed by virtue of the fourth article of the treaty of peace and amity between his Britannic majesty and the United States of America, concluded at Ghent, on the twenty-fourth day of December, one thousand eight hundred and fourteen,* to decide to which of the two contracting parties to the said treaty, the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the second article of the treaty of peace of one thousand seven hundred and eighty-three, between his said Britannic majesty and the aforesaid United States of America†.

*See the treaty page 268.

†See the treaty, page 237.

We, the said Thomas Barclay and John Holmes, commissioners as aforesaid, having been duly sworn impartially to examine and decide upon the said claims, according to such evidence as should be laid before us on the part of his Britannic majesty and the United States, respectively, have decided, and do decide, that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy; which is part of the Bay of Fundy, do, and each of them does, belong to the United States of America: and we have also decided, and do decide, that all the other islands, and each and every of them, in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do belong to his said Britannic majesty, in conformity with the true intent of the said second article of said treaty of one thousand seven hundred and eighty-three.

Moose Island, &c. belong to the U. States.

Other Islands, belong to Great Britain.

In faith and testimony whereof, we have set our hands and affixed our seals, at the city of New York, in the state of New York, in the United States of America, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

JOHN HOLMES, [SEAL.]
THOMAS BARCLAY. [SEAL.]

Witness—James T. Austin, Agent U. S. A.
Anthony Barclay, *Secretary*.

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1822.
June 18.

No. 13.—*Decision of the Commissioners under the Sixth Article of the Treaty of Ghent, done at Utica, in the State of New York, 18th June, 1822.*

The undersigned Commissioners, appointed, sworn, and authorized, in virtue of the 6th article of the treaty of peace and amity between his Britannic Majesty and the United States of America, concluded at Ghent, on the 24th of December, 1814, impartially to examine, and, by a report or declaration, under their hands and seals, to designate "that portion of the boundary of the United States from the point where the 45th degree of north latitude strikes the river Iroquois, or Cataraqui, along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication, by water, between that lake and lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of said lake, until it arrives at the water communication into Lake Huron; thence, through the middle of said water communication, into Lake Huron; thence, through the middle of said lake, to the water communication between that lake and Lake Superior;" and to "decide to which of the two contracting parties the several islands, lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783;" do decide and declare, that the following described line, (which is more clearly indicated on a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications, and islands, embraced by the 6th article of the treaty of Ghent, by a black line shaded on the British side with red, and on the American side with blue; and each sheet of which series of maps is identified by a certificate subscribed by the commissioners, and by the two principal surveyors employed by them,) is the true boundary intended by the two before mentioned treaties: that is to say:

Boundary line designated.

Beginning at a stone monument, erected by Andrew Ellicot, Esquire, in the year 1817, on the south bank, or shore, of the said river Iroquois, or Cataraqui, (now called the St. Lawrence) which monument bears south 74° 45′ west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the 45th parallel of north latitude strikes the said river; thence, running north 35° 45′ west, into the river, on a line at right angles with the southern shore, to a point one hundred

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Boundary line designated.

yards south of the opposite island, called Cornwall island; thence, turning westerly, and passing round the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores, to a point opposite to the north west corner, or angle, of said island; thence, to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's island; thence, northerly, along the channel which divides the last mentioned island from the Canada shore, keeping one hundred yards distant from the island, until it approaches Sheik's island; thence along the middle of the strait which divides Barnhart's and Sheik's islands, to the channel called the Long Sault, which separates the two last mentioned islands from the Lower Long Sault island; thence westerly, (crossing the centre of the last mentioned channel) until it approaches within one hundred yards of the north shore of the Lower Sault island; thence, up the north branch of the river, keeping to the north of, and near, the Lower Sault island, and also north of, and near, the Upper Sault (sometimes called Baxter's) island, and south of the two small islands, marked on the map A and B, to the western extremity of the Upper Sault, or Baxter's island; thence passing between the two islands called the Cats, to the middle of the river above; thence along the middle of the river, keeping to the north of the small islands marked C and D; and north also of Chrystler's island and of the small island next above it, marked E, until it approaches the north-east angle of Goose Neck island; thence along the passage which divides the last mentioned island from the Canada shore, keeping one hundred yards from the island, to the upper end of the same; thence south of, and near, the two small islands called the Nut islands; thence north of, and near, the island marked F, and also of the island called Dry or Smuggler's island; thence passing between the islands marked G and H, to the north of the island called Isle au Rapid Platt; thence along the north side of the last mentioned island, keeping one hundred yards from the shore to the upper end thereof; thence, along the middle of the river, keeping to the south of, and near, the islands called Cousson (or Tussin) and Presque Isle; thence up the river, keeping north of, and near, the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbit's, and Chimney, islands; and south of, and near, the Gallop Isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep islands; thence, along the middle of the river, passing north of island No. 14,

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Boundary line designated.

south of 15, and 16, north of 17; south of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26 and 27; thence, along the middle of the river, north of Gull island and of the islands No. 29, 32, 33, 34, 35, Bluff island, and No. 39, 44, and 45, and to the south of No. 30, 31, 36, Grenadier island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Wells' island, thence to the north of Wells' island, and along the strait which divides it from Rowe's island, keeping to the north of the small islands, No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the north-east point of Grindstone Island: thence to the north of Grindstone Island, and keeping to the north also of the small Islands, No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory Island; thence passing to the south of Hickory Island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence to the south of Grand or Long Island, keeping near its southern shore, and passing to the north of Carlton Island until it arrives opposite to the south-western point of said Grand island in Lake Ontario, thence passing to the north of Grenadier, Fox, Stony, and the Gallop Islands in Lake Ontario, and to the south of, and near the islands called the Ducks, to the middle of the said lake, thence, westerly, along the middle of said lake, to a point opposite the mouth of the Niagara river; thence, to and up the middle of the said river, to the Great Falls, thence up the Falls, through the point of the Horse Shoe, keeping to the west of Iris or Goat island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand island; thence, along the middle of said strait, to the head of Navy island; thence to the west and south of, and near to, Grand and Beaver islands, and to the west of Strawberry, Squaw and Bird, islands, to Lake Erie; thence, southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle island, being one of the eastern-most of the group of islands lying in the western part of the said lake; thence, along the said passage, proceeding to the north of Cunningham's islands of the three Bass islands, and of the Western Sister, and to the south of the island called the Hen and Chickens, and of the Eastern and Middle Sisters; thence to the middle of the mouth of the Detroit river, in a

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direction to enter the channel which divides Bois-Blanc and Sugar islands; thence up the said channel to the west of Bois-Blanc island, and to the east of Sugar, Fox, and Stony island, until it approaches Fighting or Great Turkey island, thence, along the western side, and near the shore of said last mentioned island, to the middle of the river above the same; thence, along the middle of said river, keeping to the south-east, of and near, Hog Island, and to the north west of, and near the island called Isle à la Pèche, to Lake St. Clair; thence, through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair, which is usually denominated the Old Ship Channel; thence, along the middle of said channel, between Squirrel Island on the south-east, and Hurson's island on the north-west, to the upper end of the last mentioned island, which is nearly opposite to Point au Chênes, on the American shore; thence, along the middle of the river St. Clair, keeping to the west of, and near, the islands called Belle Rivière Isle, and the Isle aux Cerfs, to Lake Huron; thence through the middle of Lake Huron, in a direction to enter the strait or passage between Drummond's island on the west, and the little Manitou Island on the east; thence through the middle of the passage which divides the two last mentioned islands; thence, turning northerly and westerly, around the eastern and northern shores of Drummond's island, and proceeding in a direction to enter the passage between the island of St. Joseph's and the American shore, passing to the north of the intermediate islands, No. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1.

Boundary line designated.

Thence up the said last mentioned passage, keeping near to the island St. Joseph's, and passing to the north and east of Isle à la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink and shaded on one side of the point of intersection with blue and on the other with red,) passing across the river at the head of St. Joseph's island, and at the foot of the Neebish Rapids, which line denotes the termination of the boundary directed to be run by the 6th article of the Treaty of Ghent.

And the said commissioners do further decide and declare, that all the islands lying in the rivers, lakes, and water communications, between the before described boundary line and the adjacent shores of Upper Canada do, and each of them

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does belong to his Britannic Majesty, and that all the islands lying in the rivers, lakes, and water communications, between the said boundary line and the adjacent shores of the United States, or their territories do, and each of them does, belong to the United States of America, in conformity with the true intent of the 2d article of the said treaty of 1783, and of the 6th article of the treaty of Ghent.

In faith whereof, we, the commissioners aforesaid, have signed this declaration, and thereunto affixed our seals.

Done in quadruplicate, at Utica, in the state of New York, in the United States of America, this eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-two.

[Signed] PETER B. PORTER, [L. S.]
[Signed] ANTH. BARCLAY, [L. S.]

No. 14.—*Convention regulating the reference between the United States and Great Britain, on the settlement of the boundary line described in the* fifth *art. of the treaty of Ghent.* 1827. September 29.

By the President of the United States of America. A Proclamation.

Whereas, a convention, between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, was concluded and signed by the plenipotentiaries, at London, on the 29th day of September, one thousand eight hundred and twenty-seven, which convention is, word for word, as follows:

Whereas, it is provided by the fifth article of the treaty of Ghent, that, in case the commissioners appointed under that article, for the settlement of the boundary line therein described, should not be able to agree upon such boundary line, the report or reports of those commissioners, stating the points on which they had differed, should be submitted to some friendly sovereign or state, and that the decision given by such sovereign or state, on such points of difference, should be considered by the contracting parties as final and conclusive: that case having now arisen, and it having, therefore, become expedient to proceed to and regulate the reference, as above described, the United States of America and his Majesty the King of the United Kingdom of Great Britain and Ireland, have, for that purpose, named their plenipotentiaries, that is to say: the president of the United States has appointed Albert Gallatin, their envoy extraordinary and minister plenipotentiary at the court of his Britannic Majesty; and his said Majesty, on his part, has appointed the right honorable Charles Grant, a member of parliament, a member of his said Majes-

Object of this Convention.

Negotiators.

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1827. September 29.

Negotiators.

ty's most honorable privy council, and president of the committee of the privy council for affaires of trade and foreign plantations, and Henry Unwin Addington, Esq. who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to, and concluded the following articles:

Differences to be referred to some friendly sovereign.

ART. 1. It is agreed, that the points of difference which have arisen in the settlement of the boundary between the American and British dominions, as described in the fifth article of the treaty of Ghent, shall be referred, as therein provided, to some friendly sovereign or state, who shall be invited to investigate, and make a decision upon, such points of difference.

Decision within two years.

The two contracting powers engage to proceed in concert, to the choice of such friendly sovereign or state, as soon as the ratifications of this convention shall have been exchanged, and to use their best endeavors to obtain a decision, if practicable, within two years after the arbiter shall have signified his consent to act as such.

New statements to be substituted instead of reports.

ART. 2. The reports and documents, thereunto annexed, of the commissioners appointed to carry into execution the fifth article of the treaty of Ghent, being so voluminous and complicated, as to render it improbable that any sovereign or state should be willing or able to undertake the office of investigating and arbitrating upon them, it is hereby agreed to substitute for those reports, new and separate statements of the respective cases, severally drawn up by each of the contracting parties, in such form and terms as each may think fit.

The said statements, when prepared, shall be mutually communicated to each other by the contracting parties, that is to say: by the United States to his Britannic Majesty's minister or chargé d'affaires at Washington, and by Great Britain to the minister or chargé d'affaires of the United States at London, within fifteen months after the exchange of the ratifications of the present convention.

After such communication shall have taken place, each party shall have the power of drawing up a second and definitive statement, if it think fit so to do, in reply to the statement of the other party, so communicated; which definitive statements shall also be mutually communicated, in the same manner as aforesaid, to each other, by the contracting parties, within twenty-one months after the exchange of the ratifications of the present convention.

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ART. 3. Each of the contracting parties shall, within nine months after the exchange of ratifications of this convention, communicate to the other, in the same manner as aforesaid, all the evidence intended to be brought in support of its claim, beyond that which is contained in the reports of the commissioners, or papers thereunto annexed, and other written documents laid before the commission, under the fifth article of the treaty of Ghent.

Regulations as to evidence to be brought in;

Each of the contracting parties shall be bound, on the application of the other party, made within six months after the exchange of the ratifications of this convention, to give authentic copies of such individually specified acts of a public nature, relating to the territory in question, intended to be laid as evidence before the arbiter, as have been issued under the authority, or are in the exclusive possession of each party.

Public acts;

No maps, surveys, or topographical evidence of any description, shall be adduced by either party, beyond that which is hereinafter stipulated, nor shall any fresh evidence of any description, be adduced or adverted to, by either party, other than that mutually communicated or applied for, as aforesaid.

Maps, surveys; and

Each party shall have full power to incorporate in, or annex to, either its first or second statement, any portion of the reports of the commissioners, or papers thereunto annexed, and other written documents laid before the commission under the fifth article of the treaty of Ghent, or of the other evidence mutually communicated or applied for as above provided, which it may think fit.

Portions of reports.

ART. 4. The map called Mitchell's map, by which the framers of the treaty of 1783 are acknowledged to have regulated their joint and official proceedings, and the map A, which has been agreed on by the contracting parties, as a delineation of the water courses, and of the boundary lines in reference to the said water courses, as contended for by each party respectively, and which has accordingly been signed by the above named plenipotentiaries, at the same time with this convention, shall be annexed to the statements of the contracting parties, and be the only maps that shall be considered as evidence, mutually acknowledged by the contracting parties, of the topography of the country.

Mitchell's map to be annexed.

It shall, however, be lawful for either party, to annex to its respective first statement, for the purposes of general illustration, any of the maps, surveys, or topographical delineations, which were filed with the commissioners under the fifth article of the treaty of Ghent, any engraved map heretofore

Transcript of engraved maps may also be annexed.

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published, and also a transcript of the above mentioned map A, or of a section thereof, in which transcript each party may lay down the highlands, or other features of the country, as it shall think fit; the water courses and the boundary lines, as claimed by each party, remaining as laid down in the said map A.

But this transcript, as well as all the other maps, surveys, or topographical delineations, other than the map A, and Mitchell's map, intended to be thus annexed, by either party, to the respective statements, shall be communicated to the other party, in the same manner as aforesaid, within nine months after the exchange of the ratifications of this convention, and shall be subject to such objections and observations, as the other contracting party may deem it expedient to make thereto, and shall annex to his first statement, either in the margin of such transcript, map or maps, or otherwise.

All statements, &c. to be simultaneously delivered in.

ART. 5. All the statements, papers, maps and documents, above mentioned, and which shall have been mutually communicated as aforesaid, shall, without any addition, subtraction, or alteration whatsoever, be jointly and simultaneously delivered in to the arbitrating sovereign or state, within two years after the exchange of ratifications of this convention, unless the arbiter should not, within that time, have consented to act as such; in which case all the said statements, papers, maps, and documents, shall be laid before him, within six months after the time when he shall have consented so to act. No other statements, papers, maps, or documents, shall ever be laid before the arbiter, except as hereinafter provided.

Further evidence permitted.

ART. 6. In order to facilitate the attainment of a just and sound decison on the part of the arbiter, it is agreed that, in case the said arbiter should desire further elucidation or evidence in regard to any specific point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both parties, who shall thereupon be permitted to bring further evidence, if required, and to make, each, a written reply to the specific questions submitted by the said arbiter, but no further; and such evidence and replies shall be immediately communicated by each party to the other.

Arbiter may order additional surveys;

And in case the arbiter should find the topographical evidence, laid as aforesaid before him, insufficient for the purposes of a sound and just decision, he shall have the power of ordering additional surveys to be made of any portions of the disputed boundary line or territory, as he may think fit; which

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surveys shall be made at the joint expense of the contracting parties, and be considered as conclusive by them.

whose decision is final and conclusive.

ART. 7. The decision of the arbiter, when given, shall be taken as final and conclusive; and it shall be carried, without reserve, into immediate effect, by commissioners appointed for that purpose by the contracting parties.

ART. 8. This convention shall be ratified, and the ratifications shall be exchanged in nine months from the date hereof, or sooner, if possible.

In witness whereof, we, the respective plenipotentiaries, have signed the same, and have affixed thereto the seals of our arms.

Done at London, the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and twenty-seven.

[L. S.] ALBERT GALLATIN,
[L. S.] CHARLES GRANT,
[L. S.] HENRY UNWIN ADDINGTON.

And whereas the said convention has been duly ratified, on both parts, and the respective ratifications of the same were exchanged at London on the second day of April, one thousand eight hundred and twenty-eight, by WILLIAM BEACH LAWRENCE, Charge d'Affaires of the United States at the court of his Britannic Majesty, and the right honorable CHARLES GRANT, and HENRY UNWIN ADDINGTON, Esq. on the part of their respective governments:

Now, therefore, be it known, That I, JOHN QUINCY ADAMS, President of the United States, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith, by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this fifteenth day of May, in the year of [L. S.] of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States the fifty-second.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, Secretary of State.

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1831. January 10.

AWARD OF THE KING OF THE NETHERLANDS.

TRANSLATION.

WILLIAM, by the grace of God, king of the Netherlands, Prince of Orange, Nassau, Grand Duke of Luxemburg, &c. &c.

The king of the Netherlands accepts the functions of arbitrator, under the 5th art. of the treaty of Ghent.

Having accepted the functions of arbitrator conferred upon us by the note of the chargé d'affaires of the United States of America, and by that of the ambassador extraordinary and plenipotentiary of Great Britain, to our minister of foreign affairs, under the date of 12th January, 1829, agreeably to the 5th article of the treaty of Ghent, of the 24th December 1814, and the 1st article of the convention concluded between those powers, at London, on the 29th of September, 1827, in the difference which has arisen between them on the subject of the boundaries of their respective possessions:

Animated by a sincere desire of answering, by scrupulous and impartial decision, what they have testified to us, and thus to give them a new proof of the high value we attach to it:

Having, to that effect, duly examined and maturely weighed the contents of the first statement, as well as those of the definitive statement of the said difference, which have been respectively delivered to us on the 1st of April of the year 1830, by the envoy extraordinary and minister plenipotentiary of the United States of America, and the ambassador extraordinary of his Britannic majesty, with all the documents thereto annexed in support of them:

Desirous of fulfilling, at this time, the obligations I have contracted in accepting the functions of arbitrator in the aforesaid difference, by laying before the two high interested parties the result of our examination, and our opinion on the three points into which, by common accord, the contestation is divided:

Result of the examination.

Considering that the three points above mentioned ought to be decided according to the treaties, acts and conventions concluded between the two powers; that is to say: the treaty of peace of 1783, the treaty of friendship, commerce and navigation of 1794; the declaration relative to the river St. Croix of 1798, the treaty of peace signed at Ghent in 1814, the convention of the 28th September, 1827; and Mitchel's map, and the map A referred to in that convention.

N. W. angle of Nova Scotia—Highlands, &c.

We declare that, as to the first point, to wit, the questions which is the place designated in the treaties as the northwest angle of Nova Scotia, and what are the highlands dividing the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, along which is

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to be drawn the line of boundary, from that angle to the north-westernmost head of Connecticut river. 1831. January 10.

Considerations.

Considering, that the high interested parties, respectively claim that line of boundary at the south, and at the north river St. John; and have each indicated, upon the map, A. the line which they claim:

Definition of the term *highland*.

Considering, that according to the instances alleged, the term highland applies not only to a hilly or elevated country, but also to land which, without being hilly divides waters flowing in different directions; and that thus the character more or less hilly and elevated of the country through which are drawn the two lines respectively claimed, at the north, and at the south, of the river St. John, cannot form the basis of a choice between them.

Reference to the treaty of '83 Proclamation of 1763, & Quebec act of 1774.

That the text in the 2d article of the treaty of 1783, recites, in part, the words previously used, in the proclamation of 1763 and in the Quebec act of 1774, to indicate the southern boundaries of the government of Quebec, from Lake Champlain, "in 45 degrees north latitude, along the highlands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the sea, and also along the north coast of the Bay des Chaleurs:"

Ancient boundary of Nova Scotia.

That in 1763, 1765, 1773 and 1782, it was established that Nova Scotia should be bounded at the north, as far as the western extremity of the bay des Chaleurs, by the southern boundary of the province of Quebec; that this delimitation is again found, with respect to the province of Quebec, in the commission of the governor general of Quebec of 1786, wherein the language of the proclamation of 1763, and of the Quebec act of 1774 has been used, as also in the commissions of 1786, and others, of subsequent dates, of the governors of New Brunswick, with respect to the last mentioned province, as well as in a great number of maps anterior and posterior, to the treaty of 1783; and that the first article of the said treaty specifies by name, the states whose independence is acknowledged:

But that this mention does not imply (implique) the entire coincidence of the boundaries between the two powers, as settled by the following article, with the ancient delimitation of the British provinces, whose preservation is not mentioned in the treaty of 1783, and which owing to its continual changes, and the uncertainty which continued to exist respecting it, created, from time to time, differences between the provincial authorities:

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That there results from the line drawn under the treaty of 1783 through the great lakes, west of the river St. Lawrence, a departure from the ancient provincial charters, with regard to those boundaries:

Departure from ancient charters

That one would vainly attempt to explain why, if the intention was to retain the ancient provincial boundary, Mitchell's map, published in 1755, and consequently anterior to the proclamation of 1763, and to the Quebec act of 1774, was precisely the one used in the negotiation of 1783:

That Great Britain proposed, at first, the river Piscataqua as the eastern boundary of the United States; and did not subsequently agree to the proposition to cause the boundary of Maine, or Massachusetts Bay, to be ascertained at a later period:

That the treaty of Ghent stipulated for a new examination on the spot, which could not be made applicable to an historical or administrative boundary:

And that, therefore, the ancient delimitation of the British provinces does not, either, afford the basis of a decision:

That the longitude of the northwest angle of Nova Scotia, which ought to coincide with that of the source of the St. Croix river, was determined only by the declaration of 1798, which indicated that river:

Reference to the doubt relative to St Croix.

That the treaty of friendship, commerce, and navigation of 1794, alludes to the doubt which had arisen with respect to the river St. Croix, and that the first instructions of the congress, at the time of the negotiations which resulted in the treaty of 1783, locate the said angle at the source of the river St. John:

That the latitude of that angle is upon the banks of the St. Lawrence, according to Mitchell's map, which is acknowledged to have regulated the combined and official labors of the negotiators of the treaty of 1783; whereas, agreeably to the delimitation of the government of Quebec, it is to be looked for at the highlands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the sea:

That the nature of the ground east of the before mentioned angle not having been indicated by the treaty of 1783, no argument can be drawn from it to locate that angle at one place in preference to another:

That, at all events, if it were deemed proper to place it nearer to the source of the river St. Croix, and look for it, at Mars Hill, for instance, it would be so much the more possible that the boundary of New Brunswick drawn thence north-

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eastwardly would give to that province several northwest angles, situated further north and east, according to their greater remoteness from Mars Hill, that the number of degrees of the angle referred to in the treaty has not been mentioned:

Treaty of 1783, no basis for a decision.

That, consequently, the northwest angle of Nova Scotia, here alluded to, having been unknown in 1783, and the treaty of Ghent having declared it to be unascertained, the mention of that historical angle in the treaty of 1783, is to be considered as a petition of principle (petition de principe) affording no basis for a decision; whereas, if considered as a topographical point, having reference to the definition, viz: "that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands," it forms simply the extremity of the line along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean"—an extremity which a reference to the northwest angle of Nova Scotia does not contribute to ascertain, and which still remaining, itself, to be found, cannot lead to the discovery of the line which it is to terminate:

Madawaska settlement cannot decide the question.

Lastly, that the arguments deduced from the rights of sovereignty exercised over the Fiéf of Madawaska and over the Madawaska settlement—even admitting that such exercise were sufficiently proved—cannot decide the question, for the reason that those settlements only embrace a portion of the territory in dispute, and that the high interested parties have acknowledged the country lying between the two lines respectively claimed by them, as constituting a subject of contestation, and that, therefore, possession cannot be considered as derogating from the right, and that, if the ancient delimitation of the provinces be set aside, which is adduced in support of the line claimed at the north of the river St. John, and especially that which is mentioned in the proclamation of 1763, and in the Quebec act of 1774, no argument can be admitted in support of the line claimed at the south of the river St. John, and which would tend to prove that such part of the territory in dispute belongs to Canada or to New Brunswick.

Boundary sought for must be from St. Croix, and N. W. head of Connecticut river.

Considering, that the question divested of the inconclusive arguments drawn from the nature, more or less hilly of the ground—from the ancient delimitation of the provinces—from the northwest angle of Nova Scotia, and from the actual possession, resolves itself, in the end, to these: which is the line drawn due north from the source of the river St. Croix, and which is the ground, no matter whether hilly and elevated, or

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not, which from that line to the northwesternmost head of Connecticut river, divides the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean; that the high interested parties only agree upon the fact that the boundary sought for must be determined by such a line, and by such a ground; that they further agree, since the declaration of 1798, as to the answer to be given to the first question, with the exception of the latitude at which the line drawn due north from the source of the St. Croix river is to terminate; that said latitude coincides with the extremity of the ground which, from that line to the northwesternmost source of Connecticut river divides the rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean; and that, therefore, it only remains to ascertain that ground;

That, on entering upon this operation, it is discovered, on the one hand,

Communication between Lower Canada and N. Brunswick.

First, that if, by adopting the line claimed at the north of the river St. John, Great Britain cannot be considered as obtaining a territory of less value than if she had accepted in 1783, the river St. John as her frontier, taking into view the situation of the country situated between the rivers St. John and St. Croix in the vicinity of the sea, and the possession of both banks of the river St. John in the lower part of its course, said equivalent would, nevertheless be destroyed by the interruption of the communication between Lower Canada and New Brunswick, especially between Quebec and Frederickton; and one would vainly seek to discover what motives could have determined the court of London to consent to such an interruption:

Rivers emptying into the St. Lawrence and Atlantic.

That if, in the second place, in contra-distinction to the rivers that empty themselves into the river St. Lawrence, it had been proper, agreeably to the language ordinarily used in geography, to comprehend the rivers falling into the Bays of Fundy and des Chaleurs with those emptying themselves directly into the Atlantic Ocean, in the generical denomination of rivers falling into the Atlantic Ocean, it would be hazardous to include into the species belonging to that class the rivers St. John and Restigouche, which the line claimed at the north of the river St. John divides immediately from rivers emptying themselves into the river St. Lawrence, nor with other rivers falling into the Atlantic Ocean, but alone; and thus to apply, in interpreting the delineation established

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by a treaty, where each word must have a meaning, to two exclusively special cases, and where no mention is made of the genus (genre,) a general expression which would ascribe to them a broader meaning, or which, if extended to the Schoodiac Lakes, the Penobscot, and the Kennebec, which empty themselves directly into the Atlantic Ocean, would establish the principle that the treaty of 1783 meant highlands which divide as well mediately as immediately, the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean—a principle equally realized by both lines:

River St. John, Bay of Fundy, &c.

Thirdly: That the line claimed at the north of the river St. John does not divide, even immediately the rivers that empty themselves into the rivers St. Lawrence from the rivers St. John and Restigouche, but only rivers that empty themselves into the St. John and Restigouche, with the exception of the last part of the said line, near the sources of the river St. John, and that hence, in order to reach the Atlantic Ocean, the rivers divided by that line from those that empty themselves into the river St. Lawrence, each need two intermediate channels, to wit: the ones; the river St. John, and the Bay of Fundy, and the others, the river Restigouche, and the Bay of Chaleurs:

And on the other hand, that it cannot be sufficiently explained how, if the high contracting parties intended, in 1783, to establish the boundary at the south of the river St. John, that river to which the territory in dispute is, in a great measure, indebted for its distinctive character, has been neutralized and set aside:

That the verb "divide" appears to require a contiguity of the objects to be "divided:"

Boundary at its western extremity:

"That the said boundary forms at its western extremity, only, the immediate separation between the river Metjarmette, and the northwesternmost head of the Penobscot, and divides, mediately, only the rivers that empty themselves into the river St. Lawrence from the waters of the Kennebec, Penobscot and Schoodiac Lakes; while the boundary claimed at the north of the river St. John divides, immediately, the waters of the rivers Restigouche and St. John, and mediately, the Schoodiac lakes; and the waters of the rivers Penobscot and Kennebec, from the rivers that empty themselves into the river St. Lawrence, to, wit: the rivers Beaver, Metis, Rimousky, Trois, Pistoles, Green, Du Loup, Kamouraska, Ouelle, Bras St. Nicholas, Du Sud, La Famine and Chaudiere:

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That the prior intersections of the southern boundary, by a line drawn due north from the source of the St. Croix river, could only secure to it an accessory advantage over the other, in case both the one and the other boundary should combine, in the same degree, the qualities required by the treaties:

Southern boundary intersections.

And the fate assigned by that of 1783 to the Connecticut, and even to the St. Lawrence, precludes the supposition that the two powers could have intended to surrender the whole course of each river, from its source to its mouth, to the share of either the one or the other:

Documents insufficient to determine a preference.

Considering, that, after what precedes the arguments adduced on either side, and the documents exhibited in support of them, cannot be considered as sufficiently preponderating to determine a preference in favor of one of the two lines respectively claimed by the high interested parties, as boundaries of their possessions from the source of the river St. Croix to the northwesternmost head of Connecticut river; and that the nature of the difference, and the vague and not sufficiently determinate stipulations of the treaty of 1783, do not permit to adjudge either of those lines to one of the said parties, without wounding the principles of law and equity with regard to the other:

That even setting aside the rivers Restigouche and St. John, for the reason that they could not be considered as falling into the Atlantic ocean, the northern line would still be as near to the Schoodiac lakes, and to the waters of the Penobscot and of the Kennebec, as the southern line would be to the rivers Beaver, Metis, Rimousky, and others that empty themselves into the river St. Lawrence; and would, as well as the other, form a mediate separation between these and the rivers falling into the Atlantic ocean.

Considering, That, as has already been said, the question resolves itself into a selection to be made of a ground dividing the rivers that empty themselves into the river St. Lawrence, from those that fall into the Atlantic ocean: that the high interested parties are agreed with regard to the course of the streams delineated by common accord on the map A. and affording the only basis of a decision:

And that, therefore, the circumstances upon which such decision could not be further elucidated by means of fresh topographical investigation, nor by the production of additional documents:

Opinion on the course of the

We are of opinion, That it will be suitable [il conviendra] to adopt as the boundary of the two states, a line drawn due

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north from the source of the river St. Croix, to the point where it intersects the middle of the *thalweg** of the river St. John, thence the middle of the *thalweg* of that river, ascending it, to the point where the river St. Francis empties itself into the river St. John, thence the middle of the *thalweg* of the river St. Francis, ascending it to the source of its southwesternmost branch, which source we indicate on the map A, by the letter X, authenticated by the signature of our minister of foreign affairs, thence a line drawn due west, to the point where it unites with the line claimed by the United States of America, and delineated on the map A, thence said line to the point at which, according to said map, it coincides with that claimed by Great Britain, and thence the line traced on the map by the two powers, to the northwesternmost source of Connecticut river.

boundary from the St. Croix.

As regards the second point, to wit—the question, which is the northwesternmost head of Connecticut river:

Considering: That, in order to solve that question, it is necessary to choose between Connecticut lake river, Perry's stream, Indian stream, and Hall's stream:

Question of the N. W. head of the Connecticut lake river.

Considering: That, according to the usage adopted in geography, the source and the bed of a river are denoted by the name of the river which is attached to such source and to such bed, and by their greater relative importance, as compared with that of other waters communicating with said river:

Considering: That an official letter of 1772, already mentions the name of Hall's brook; and that in an official letter, of subsequent date in the same year, Hall's brook is represented as a small river falling into the Connecticut:

Hall's Brook,

That the river in which Connecticut lake is situated appears more considerable than either Hall's, Indian, or Perry stream; that the Connecticut lake, and the two lakes situated northward of it, seem to ascribe to it a greater volume of water than to the other three rivers; and that by admitting it to be the bed of the Connecticut, the course of that river is extended farther than it would be, if a preference were given to either of the other three rivers:

Indian or Perry stream.

Lastly, that the map A having been recognized by the convention of 1827, as indicating the courses of streams, the authority of that map would likewise seem to extend to their appellation, since in case of dispute, such name of river, or lake, respecting which the parties were not agreed, may have

* *Thalweg*—a German compound word—*Thal*, valley, and *Weg*, way.—It means here the deepest channel of the river.

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been omitted; that said map contains Connecticut lake, and that the name of Connecticut lake implies the applicability of the name of Connecticut to the river which flows through the said lake:

Award in favor of the northernmost Connecticut stream.

We are of opinion: That the stream situated farthest to the northwest, among those which fall in to the northernmost of the three lakes, the last of which bears the name of Connecticut lake, must be considered as the northwesternmost head of Connecticut river.

And as to the third point, to wit: the question, which is the boundary to be traced from the river Connecticut, along the parallel of the 45th degree of north latitude, to the river St. Lawrence, named in the treaties Iroquoise and Cataraguy.

Further considerations, on a new survey.

Considering: That the high interested parties differ in opinion as to the question—whether the treaties require a fresh survey of the whole line of boundary from the river Connecticut to the river St. Lawrence, named in the treaties Iroquoise or Cataraguy, or simply the completion of the ancient provincial surveys:

Considering: That the fifth article of the treaty of Ghent, of 1814, does not stipulate that such portion of the boundaries which may not have hitherto been surveyed, shall be surveyed; but declares that the boundaries have not been, and establishes that they shall be surveyed:

That, in effect, such survey ought, in the relations between the two powers, to be considered as not having been made from the Connecticut to the river St. Lawrence, named in the treaties Iroquoise or Cataraguy, since the ancient survey was found to be incorrect, and had been ordered, not by a common accord of the two powers, but by the ancient provincial authorities:

That in determining the latitude of places, it is customary to follow the principle of the observed latitude:

Rouses' Point.

And that the government of the United States of America has erected certain fortifications at the place called Rouses' Point, under impression that the ground formed part of their territory—an impression sufficiently authorized by the circumstance that the line had, until then, been reputed to correspond with the 45th degree of north latitude:

Award: Fresh operations necessary to mark the boundary;

We are of opinion: That it will be suitable [il conviendra] to proceed to fresh operations to measure the observed latitude, in order to mark out the boundary from the river Connecticut along the parallel of the 45th degree of north latitude to the river St. Lawrence, named in the treaties Iro-

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quoise or Cataraguy, in such a manner, however, that in all cases, at the place called Rouses' Point, the territory of the United States of America shall extend to the fort erected at that place, and shall include said fort and its kilometrical radius [rayon kilometrique].

Rouses' Point, however, to be included in the United States.

Thus done and given under our royal seal, at the Hague, this tenth day of January, in the year of our Lord one thousand eight hundred and thirty-one, and of our reign, the eighteenth.

WILLIAM.

The Minister of Foreign Affairs.
(Signed) VERSTOLK DE SOELEN.

No. 15.—*Convention continuing the provisions of the Third Article of the Convention of 20th October*, 1818.

By the President of the United States of America. A Proclamation.

Whereas, a convention, between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, was concluded and signed by their plenipotentiaries, at London, on the sixth day of August, one thousand eight hundred and twenty-seven, which convention is, word for word, as follows:

1827. August 6.

The United States of America, and his Majesty the King of the United kingdom of Great Britain and Ireland, being equally desirous to prevent, as far as possible, all hazard of misunderstanding between the two nations, with respect to the territory on the north west coast of America, west of the Stoney or Rocky Mountains, after the expiration of the third article of the convention concluded between them on the 20th of October, 1818;* and, also, with a view to give further time for maturing measures, which shall have for their object, a more definite settlement of the claims of each party to the said territory, have respectively named their plenipotentiaries to treat and agree concerning a temporary renewal of the said article, that is to say:

*See page 280.

The President of the United States of America, Albert Gallatin, their envoy extraordinary and minister plenipotentiary to his Britannic Majesty;

American Negotiator.

And his Majesty the king of the united kingdom of Great Britain and Ireland, the right honorable Charles Grant, a member of his said Majesty's most honorable privy council, a member of parliament, and vice president of the committee of privy council for affairs of trade and foreign plantations; and Henry Unwin Addington, esquire, who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

British Negotiators.

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1827. August 6.

ART. 1. All the provisions of the third article of the convention concluded between the United States of America, and his Majesty the King of the united kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are, hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

Provisions of 3d art. of treaty of 1818 indefinitely extended.

ART. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

Twelve months notice to annul the same.

ART. 3. Nothing contained in this convention, or in the third article of the convention of the 20th of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky Mountains.

Claim to territory West of Rocky mountains not impaired.

ART. 4. The present convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner, if possible.

In witness whereof, we, the respective plenipotentiaries, have signed the same, and have affixed thereto the seals of our arms.

Done at London, the sixth day of September, in the year of our Lord one thousand eight hundred and twenty-seven.

[L. S.] ALBERT GALLATIN,
[L. S.] CHARLES GRANT,
[L. S.] HENRY UNWIN ADDINGTON.

And whereas the said convention has been duly ratified, on both parts, and the respective ratifications of the same were exchanged at London on the second day of April, one thousand eight hundred and twenty-eight, by WILLIAM BEACH LAWRENCE, Charge d'Affaires of the United States at the court of his Britannic Majesty, and the right honorable CHARLES GRANT, and HENRY UNWIN ADDINGTON, Esq. on the part of their respective governments:

Now, therefore, be it known, That I, JOHN QUINCY ADAMS, President of the United States, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith, by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this fifteenth day of May, in the year of [L. S.] of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States the fifty-second.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, Secretary of State.

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By the President of the United States of America. A Proclamation. 1827. August 6.

Whereas, a convention between the United States of America and his Majesty the King of the United Kingdom of Great Britain and Ireland, was concluded and signed by their plenipotentiaries, at London, on the sixth day of August, one thousand eight hundred and twenty-seven, which convention is, word for word, as follows;

No. 16.—*Renewal of the Commercial Convention of third July*, 1815.

The United States of America, and his Majesty the King of the United Kingdom of Great Britain and Ireland, being desirous of continuing in force the existing commercial regulations between the two countries, which are contained in the convention concluded between them on the 3d of July, 1815,* and further renewed by the fourth article of the convention of the 20th October, 1818, have, for that purpose, named their respective plenipotentiaries, that is to say:

*See page 276 and 280.

The President of the United States of America, Albert Gallatin, their envoy extraordinary and minister plenipotentiary to his Britannic Majesty; Negotiators.

And his Majesty the King of the United Kingdom of Great Britain and Ireland, the right honorable Charles Grant, a member of his said Majesty's most honorable privy council, a member of parliament, and vice president of the committee of privy council for affairs of trade and foreign plantations; and Henry Addington, esquire,

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

Art. 1. All the provisions of the convention concluded between the United States of America, and his Majesty the King of the United Kingdom of Great Britain and Ireland, on the 3d of July, 1815, and further continued for the term of ten years, by the fourth article of the convention of the 20th of October, 1818—with the exception therein contained, as to St. Helena, are hereby further indefinitely, and without the said exception extended and continued in force, from the date of the expiration of the said ten years, in the same manner as if all the provisions of the said convention of the 3d of July, 1815, were herein specifically recited. Convention of 1815, and 4th. article of 1818, indefinitely continued;

Art. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the expiration of the said ten years; that is, after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this Twelve months notice to annul the same.

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1827. August 6.

convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

ART. 3. The present convention shall be ratified, and the ratifications shall be exchanged in nine months, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

ALBERT GALLATIN,
CHARLES GRANT,
HENRY UNWIN ADDINGTON.

And whereas, the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London, on the second day of April, one thousand eight hundred and twenty-eight, by WILLIAM BEACH LAWRENCE, charge d'affaires of the United States of America at the court of his Britannic Majesty, and the right honorable CHARLES GRANT and HENRY UNWIN ADDINGTON, esquire, on the part of their respective governments.

Now, therefore, be it known, that I, JOHN QUINCY ADAMS, President of the United States of America, have caused the said convention to be made public, to the end that the same and every clause and article thereof, may be observed and fulfilled with good faith, by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the [L. S.] United States to be affixed.

Done at the city of Washington, this fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Independence of the United States the fifty-second.

JOHN QUINCY ADAMS.

By the President:

H. CLAY, Secretary of State.

No. 17.—*Arrangement limiting the number of American and British vessels of War, to be maintained on the Lakes.*

By the President of the United States of America. A Proclamation.

Arrangement in 1817, as to the American and British Naval Force to be maintained on the Lakes.

Whereas an arrangement was entered into at the City of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the government of the United States; and the right honorable Charles Bagot, his Britannic Majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of his Britannic majesty; which arrangement is in the words following, to wit:

"The naval force to be maintained upon the American lakes by his majesty and the government of the United States, shall

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henceforth be confined to the following vessels on each side; 1817.
that is—

"On lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one eighteen pound cannon. Lake Ontario.

"On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force. Upper Lakes.

"On the waters of lake Champlain, to one vessel not exceeding like burden, and armed with like force. Lake Champlain.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed. Other vessels to be dismantled.

"If either party should hereafter be desirous of annulling this stipulation, or should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice. Stipulation may cease on six months' notice.

"The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party." Naval force to be restricted, &c.

And whereas the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect; the same having also received the sanction of his royal highness the Prince Regent, acting in the name and on the behalf of his Britannic majesty: Arrangement approved by the Senate & sanctioned by the Prince Regent.

Now, therefore, I, James Monroe, President of the United States, do, by this my proclamation, make known and declare that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect. Is of full force and effect.

Given under my hand, at the City of Washington, this twenty-eight day of April, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, Secretary of State.

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1785.
July & August.

TREATIES WITH PRUSSIA.

TRANSLATION.

No. 1.—*Treaty of Amity and Commerce between his Majesty the King of Prussia, and the United States of America.*

Mutual desire of fixing rules of intercourse and commerce.

His majesty the king of Prussia, and the United States of America, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries; his majesty and the United States have judged that the said end cannot be better obtained, than by taking the most perfect equality and reciprocity for the basis of their agreement.

With this view, his majesty the king of Prussia has nominated and constituted, as his plenipotentiary, the baron Frederick William de Thulemeier, his privy counsellor of embassy, and envoy extraordinary with their high mightinesses the states general of the United Netherlands; and the United States have, on their part, given full powers to John Adams, esquire, late one of their ministers plenipotentiary for negotiating a peace, heretofore a delegate in congress from the state of Massachusetts, and chief justice of the same, and now minister plenipotentiary of the United States with his Britannic majesty; doctor Benjamin Franklin, late minister plenipotentiary at the court of Versailles, and another of their ministers plenipotentiary for negotiating a peace; and Thomas Jefferson, heretofore a delegate in congress, from the state of Virginia, and governor of the said state, and now minister plenipotentiary of the United States at the court of his most christian majesty, which respective plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled, and signed the following articles:

Firm and inviolable peace.

ART. 1. There shall be a firm, inviolable, and universal peace and sincere friendship between his majesty the king of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America, and their citizens, on the other, without exception of persons or places.

The subjects of Prussia may frequent the coasts & countries of the U. States; may reside and trade there; and allowed to enjoy all the rights &

ART. 2. The subjects of his majesty the king of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandises; and shall pay within the United States no other or greater duties, charges, or fees whatsoever, than the most favored nations are or shall be obliged to

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1785.
July & August.

ORIGINAL.

Traité d'Amitié et de Commerce, entre sa Majesté le Roi de Prusse, et les Etats Unis de l'Amérique.

Sa majesté le roi de Prusse, &c. &c. et les Etats Unis de l'Amérique, désirant de fixer d'une manière permanente et équitable les règles qui doivent être observées relativement à la correspondance et au commerce à établir entre les états respectifs des deux parties; sa majesté et les Etats Unis ont cru ne pouvoir mieux remplir ce but, qu'en posant pour base de leurs engagemens la plus parfaite égalité et reciprocité.

Dans cette vuë sa majesté le roi de Prusse a nommé et constituté, pour son plénipotentiaire le baron Frédéric Guillaume de Thulemeier, son conseiller privé d'ambassade et envoyé extraordinaire auprès de leurs hautes puissances les états generaux des Provinces Unis; et les Etats Unis ont de leur côté pourvu de leurs pléinpouvoirs le sieur John Adams, ci-devant l'un de leurs ministres plénipotentiaires pour traiter de la paix, delegué au congrès de la part de l'état de Massachusetts, et chef de justice du dit état, actuellement ministre plénipotentiaire des Etats Unis près sa majesté le roi de la Grand Brétagne; le docteur Benjamin Franklin, en dernier lieu leur ministre plénipotentiaire à la cour de sa majesté très chrétienne, et aussi l'un de leurs ministres plénipotentiaires pour traiter de la paix; et le sieur Thomas Jefferson, ci-devant délegué au congrès de la part de l'état de Virginie et gouverneur du dit état, actuellement ministre plénipotentiaire à la cour de sa majesté très chrétienne, lesquels plénipotentiaires respectifs, après avoir échangé leurs pleinpouvoirs, et et conséquence d'une mure déliberation, ont conclu, arrêté et signé les articles suivans:

Art. 1. Il y aura une paix ferme, inviolable, et universelle, et une amitié sincère, entre sa majesté le roi de Prusse, ses héritiers, successeurs, et sujets, d'une part, et les Etats Unis d'Amérique, et leurs citoyens, d'autre part, sans exception de personnes ou de lieux.

Art. 2. Les sujets de sa majesté le roi de Prusse pourront fréquenter toutes les côtes et tous les pays des Etats Unis de l'Amérique, y résider et trafiquer en toutes sortes de productions, manufactures, et marchandises, et ne payeront d'autres ni de plus forts impôts, charges ou droits, dans les dits Etats Unis, que ceux que les nations les plus favorisées sont,

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1785. July & August.

pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most favored nations.

privileges of commerce granted to the most favored nations.

American citizens may freely trade to the Prussian dominions; may reside there; and are entitled to all the privileges of commerce and navigation granted to the most favored nations.

ART. 3. In like manner, the citizens of the United States of America may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandise, and shall pay, in the dominions of his said majesty, no other or greater duties, charges, or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the most favored nation does or shall enjoy; submitting themselves, nevertheless to the laws and usages there established, and to which are submitted the subjects of his majesty the king of Prussia, and the subjects and citizens of the most favored nations.

Each party to have a right to carry their own produce, &c. in their own or other vessels to the dominions of the other &c.

ART. 4. More especially each party shall have a right to carry their own produce, manufactures, and merchandise, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of the other freely to purchase them; and thence to take the produce, manufactures, and merchandise of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges, and fees only, as are or shall be paid by the most favored nation.

Each party may retaliate on nations restraining the transportation of merchandise to vessels of the country of which it is the growth, &c.

Nevertheless, the king of Prussia and the United States, and each of them reserve to themselves the right, where any nation restrains the transportation of merchandise to the vessels of the country of which it is the growth, or manufacture, to establish against such nations retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandise whatsoever, when reasons of state shall require it.

Subjects or citizens of either party not to import or export prohibited merchandise unless that privilege is allowed other nations.

In this case the subjects or citizens of either of the contracting parties, shall not import nor export the merchandise prohibited by the other, but if one of the contracting parties permits any other nation to import or export the same merchandise, the citizens or subjects of the other shall immediately enjoy the same liberty.

The loading or unloading vessels of each par

ART. 5. The merchants, commanders of vessels, or other subjects or citizens, of either party, shall not, within the ports

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ou seront obligées de payer; et ils jouiront de tous les droits, priviléges, et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée; se soumettant néanmoins aux loix et usages y établis, et auxquels sont soumis les citoyens des Etats Unis et les citoyens et sujets des nations le plus favorisées. 1785. July & August.

Art. 3. Pareillement les citoyens des Etats Unis de l'Amérique pourront fréquenter toutes les côtes et tous les pays de sa majesté le roi de Prusse, y resider et trafiquer en toutes sortes de productions, manufactures, et marchandises, et ne payeront d'autres ni plus forts impôts, charges ou droits, dans les domaines de sa dite majesté, que ceux que la nation la plus favorisée est, ou sera obligée de payer, et ils jouiront des tous les droits, priviléges, et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée; se soumettant néanmoins aux lois et usages y établis, et aux quels sont soumis les sujets de sa majesté le roi de Prusse, et les sujets et citoyens des nations les plus favorisées.

Art. 4. En partiçulier, chacune des deux nations aura le droit d'importer ses propres productions, manufactures et marchandises, à bord de ses propres bâtimens ou de tel autre, dans toutes les parties des domaines de l'autre, où il sera permis à tous les sujets et citoyens de l'autre nation de les achêter librement; comme aussi d'y charger les productions, manufactures, et marchandises de l'autre, que tous les dits sujets ou citoyens auront la liberté de leur vendre; en payant dans l'un et l'autre cas, tels impôts, droits et charges seulement que ceux qui sont ou seront payés par la nation la plus favorisée. Cependant, le roi de Prusse et les Etats Unis de l'Amérique, et chacun d'eux en particulier, se reservent le droit, au cas que quelque nation restreigne le transport des marchandises aux vaisseaux des pays dont elles sont la production ou la manufacture, d'établir envers cette nation des règlemens reciproques. Se reservant de plus le droit de prohiber dans leurs pays respectifs l'importation ou l'exportation de toute marchandise quelconque, des que la raison d'état l'exige. En ce cas, les sujets ou citoyens d'une des parties contractantes ne pourront importer ni exporter les marchandises prohibées par l'autre. Mais si l'une des parties contractantes permet à quelqu'autre nation d'importer ou d'exporter ces mêmes marchandises, les citoyens ou sujets de l'autre partie contractante jouiront tout aussitôt d'une liberté pareille.

Art. 5. Les marchands, commandans de vaisseaux, et autres sujets ou çitoyens de chacune des deux nations, ne seront

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ty not to be constrained or impeded in the ports of the other.

or jurisdiction of the other, be forced to unload any sort of merchandise into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

All lawful examination of goods for exportation, to be made before they are put on board; and no search of vessels except in case of fraud.

ART. 6. That the vessels of either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detained, it is agreed, that all examinations of goods required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case, the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

Each party to endeavor to protect the vessels and effects of the other, within their respective jurisdictions, by sea or land, &c.

ART. 7. Each party shall endeavour, by all the means in their power, to protect and defend all vessels, and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

Vessels of either party, coming on the coasts or entering the ports of the other, and not willing to break bulk, to be allowed freely to depart, &c.

ART. 8. The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees, shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country where they are established.

In cases of shipwreck of the vessels of either party within the dominions of the other, friend y

ART. 9. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts, or within the dominions of the other, their respective subjects or citizens shall receive, as well for themselves, as for their vessels and

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pas forcés dans les ports ou dans la jurisdiction de l'autre, de décharger aucune sorte de marchandises dans d'autres vaisseaux, ni de les recevoir à bord de leurs propres navires, ni d'attendre leur chargement plus long-temps qu'il ne leur plaira.

Art. 6. Pour éviter que les vaisseaux de l'une des deux parties contractantes ne soyent point inutilement molestés ou detenus dans les ports ou sous la jurisdiction de l'autre, il a été convenu que la visite des marchandises, ordonnée par les loix, se fera avant qu'elles ne soyent chargées sur la navire, et qu'en suite elles ne seront plus assujetties à aucune visite. Et en général il ne se fera point de recherche à bord du vaisseau, à moins qu'on n'y ait chargé clandestinement et illégalement des marchandises prohibées. Dans ce cas, celui par l'ordre duquel elles ont été portées à bord, ou celui qui les y a portées sans ordre, sera soumis aux loix du pays où il se trouve, sans que le reste de l'équipage soit molesté, ni les autres marchandises, ou le vaisseau, saisis ou detenus par cette raison.

Art. 7. Chacune des deux parties contractantes tâchera, par tous les moyens qui seront en son pouvoir, de protéger et de défendre tous les vaisseaux et autres effets appartenans aux citoyens ou sujets de l'autre, et se trouvant dans l'étendue de sa jurisdiction par mer ou par terre: et elle employera tous ses efforts pour recouvrer et faire restituer aux propriétaires legitimes les vaisseaux et effets qui leur auront été enlevés dans l'etendue de sa dite jurisdiction.

Art. 8. Les vaisseaux des sujets ou citoyens d'une des deux parties contractantes, arrivant sur une côte appartenante à l'autre, mais n'ayant pas dessien d'entrer au port, ou y étant entrés, ne désirant pas de decharger leurs cargaisons, ou de rompre leur charge, auront la liberté de repartir et de poursuivre leur route sans empêchement, et sans être obligés de rendre compte de leur cargaison, ni de payer aucuns impôts, charges et droits quelconques, excepté ceux établis sur les vaisseaux une fois entrés dans le port, et destinés à l'entretien du port même, ou à d'autres établissemens, qui ont pour but la sûreté et la commodité des navigateurs; lesquels droits, charges, et impôts, seront les mêmes et se payeront sur le même pied qu'ils sont acquittés par les sujets ou citoyens de l'état où ils sont établis.

Art. 9. Au cas que quelque vaisseau appartenant à l'une des deux parties contractantes auroit fait naufrage, échoué, ou souffert quelque autre dommage sur les côtes ou sous la domination de l'autre, les sujets ou citoyens respectifs re-

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laded, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

The right to wrecks abolished between the parties.

The citizens or subjects of each party may dispose of their personal estate, by will or otherwise, and inherit, in the dominions of the other, &c.

ART. 10. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of *détraction* on the part of the government of the respective states. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published by his majesty the king of Prussia, to prevent the emigration of his subjects.

Where no one appears to claim inheritance, to be held in the custody of the law of the land.

Citizens or subjects of each party, allowed a reasonable time to sell lands &c. in the dominions of the other, which they cannot hold without naturalization.

This article not to derogate from the laws of Prussia concerning emigration.

Liberty of conscience secured, &c.

ART. 11. The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party, within the jurisdiction of the other, and no person shall be molested in that respect, for any cause other than an insult on the religion of others. Moreover when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

Citizens or subjects of either party, dying in the dominions of the other, to be decently buried, &c.

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jettis en cas pareil. Et si la réparation du vaisseaux exigeoit que la cargaison fût déchargé en tout ou en partie, ils ne payeront aucun impôt, charge ou droit, de ce qui sera rembarque et emporté. L'ancien et barbare droit de naufrage sera entièrement aboli à l'égard des sujets ou citoyens des deux parties contractantes.

Art. 10. Les citoyens ou sujets de l'une des parties contractantes auront, dans les états de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation ou autrement, et leurs héritiers étant sujets ou citoyens de l'autre partie contractante, succéderont à leurs biens, soit en vertu d'un testament, ou *ab intestato*, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposer à leur volonté, en ne payant d'autres droits que ceux aux quels les habitans du pays où la succession est devenue vacante, sont assujettis en pareille occurrence. Et en cas d'absence des héritiers, ou prendra provisoirement des biens qui leur sont échus les mêmes soins, qu'on auroit pris en pareille occasion des biens des natifs du pays, jusqu'à ce que le propriétaire légitime ait agrée des arrangemens pour recueillir l'héritage. S'il s'éleve des contestations entre differens pretendans ayant droit à la succession, elles seront décidées en dernier resort selon les loix et par les juges du pays où la succession est vacante. Et si, par la morte de quelque personne possédant des biens-fonds sur le territoire de l'une des parties contractantes, ces biens-fonds venoient á passer, selon les loix du pays, à un citoyen ou sujet de l'autre partie, celuici, si par sa qualité d'étranger il est inhabile de les posséder, obtiendra un delai convenable pour les vendre, et pour en retirer le provenu, sans obstacle, et exempte de tout droit de retenue, de la partie du gouvernement des états respectifs. Mais cet article ne derogera en aucune manière à la force des loix qui ont déjà été publiées, ou qui le seront dans la suite, par sa majesté le roi de Prusse, pour prevenir l'emigration de ses sujets.

Art. 11. Il sera accordé la plus parfaite liberté de conscience et de culte aux citoyens et sujets de chaque partie contractante dans le états de l'autre, et personne ne sera molesté à cet égard pour quelque cause que ce soit, si ce n'est pour insulte faite à la religion de l'autre. De plus, si des sujets et citoyens de l'une des parties contractantes venoient à mourir dans la jurisdiction de l'autre, leurs corps seront enterrés dans les endroits où l'on a la coutume de faire les enterremens, ou dans tel autre lieu décent et convenable, et ils seront protegés contre toute violence et trouble.

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The principle adopted in the treaty of 1785, relative to free ships making free goods, declared not to have been sufficiently respected by belligerents.

The parties determined to concert measures for the security of neutral navigation.

In the mean time, one of the parties being at war, is to conduct itself towards the other being neutral, according to the law of nations.

ART. 12. Experience having proved, that the principle adopted in the twelfth article of the treaty of 1785, according to which *free ships make free goods*, has not been sufficiently respected during the two last wars, and especially in that which still continues, the two contracting parties propose, after the return of a general peace, to agree either separately between themselves, or jointly with other powers alike interested, to concert with the great maritime powers of Europe, such arrangements and such permanent principles, as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars. And if, in the interval, either of the contracting parties should be engaged in war, to which the other should remain neutral, the ships of war and privateers of the belligerent power shall conduct themselves towards the merchant vessels of the neutral power, as favorably as the course of the war then existing may permit; observing the principles and rules of the law of nations, generally acknowledged.

No goods to be deemed contraband, so as to justify confiscation.

But vessels carrying contraband goods may be detained, on payment of loss sustained by the delay.

Military stores, detained, may be used by the captors, on paying the full value of them.

If the master of a vessel, stopped for having on board goods held to be contraband, offers to deliver them up, she may proceed on her voyage.

ART. 13. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding; paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors: and it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

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ART. 12. L'éxperience ayant demontré, que le principe adopte dans l'article 12 du traité de 1785, selon lequel *les vaisseaux libres rendent aussi les marchandises libres*, n'a pas été suffisament respecté dans les deux dernières guerres, et nommément dans celle qui dure encore, les deux parties contractantes se reservent de s'entendre après le retour de la paix générale, soit séparement entr'elles, soit conjointement avec d'autres puissances cointeressés pour concerter avec les grandes puissances maritimes de l'Europe, tels arrangements et tels principes permanens, qui puissent servir à consolider la liberté et la sûreté de la navigation et du commerce neutres dans les guerres futures. Et si, pendant cet intervalle, l'une des parties contractantes se trouve engagée dans une guerre à laquelle l'autre reste neutre, les vaisseaux de guerre et les armateurs de la puissance belligerente, se comporteront, à l'égard de bâtimens marchands de la puissance neutre, aussi favorablement que la raison de guerre, pour lors existante pourra le permêttre, en observant les principes et les régles du droit des gens genéralement reconnus.

ART. 13. Dans le cas où l'une des parties contractantes se trouveroit on guerre avec une autre puissance, il a été convenu, que pour prévenir les difficultés, et les discussions qui surviennent ordinairement par rapport au marchandises de contrabande, telles que armes et munitions de toute espèce, aucun de ces articles, chargés à bord des vaisseaux des sujets ou citoyens de l'une des parties, et destinés pour l'ennemi de l'autre, ne sera censé contrebande, au point d'impliquer confiscation ou condamnation, et d'entrainer la perte de la propriété des individus. Neanmoins il sera permis d'arrêter ces sortes de vaisseaux et effets, et de les retenir pendant tout le tems que le preneur croira nécessaire pour prévenir les inconveniens et les dommages qui pourroient en resulter autrement; mais dans ce cas on accordera une compensation raisonnable pour les pertes, qui auront été occasionnées par la saisie. Et il sera permis en outre aux preneurs d'employer à leur service, en tout ou en partie, les munitions militaires détenues, en payant aux propriétaires la pleine valeur, à déterminer sur le prix qui aura cours à l'endroit de leur destination; mais si que dans le cas énoncé, d'un vaisseau arrêté pour des articles de contrebande, le maître du navire consent à delivrer les marchandises suspectes, il aura liberté de le faire, et le navire ne sera plus amené dans le port, ni détenu plus longtems, mais aura toute liberté de poursuivre sa route.

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Contraband specified.

All cannons, mortars, fire arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpetre, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles, and bridles, beyond the quantity necessary for the use of the ship, or beyond that which every man, serving on board the vessel, or passenger, ought to have; and, in general, whatever is comprised under the denominations of arms and military stores, of what description soever, shall be deemed objects of contraband.

Vessels of each party, in time of war, to be characterized by particular documents.

ART. 14. To ensure to the vessels of the two contracting parties the advantage of being readily and certainly known, in time of war, it is agreed, that they shall be provided with the sealetters and documents hereafter specified:

First: A passports to be exhibited when required.

1. A passport, expressing the name, the property, and the burden of the vessel, as also the name and dwelling of the master, which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

Vessels of either, party under convoy to be permitted to pass, on the word of the commanding officer.

Secondly; A charter party.

2. A charter party; that is to say, the contract passed for the freight of the whole vessel; or the bills of lading given for the cargo in detail.

Thirdly; A list of the ship's company.

3. The list of the ship's company; containing an indication by name, and in detail, of the persons composing the crew of the vessel. These documents shall always be authenticated according to the forms established at the place from which the vessel shall have sailed.

These documents not indispensable for three months after the information of the declaration of war, &c.

As their production ought to be exacted only when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo, and company, they shall not be deemed absolutely necessary on board such vessels, belonging to the neutral party, as shall have sailed from its ports before, or within three months after, the government shall have been informed of the state of war in which the belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence as the tribunals, authorized to judge of the case, deem sufficient.

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Seront censés objets de contrebande, les canons, mortiers, armes à feu, pistolets, bombes, grenades, boulets, bales, fusils, pierres à feu, mêches, poudre, salpetre, souffre, cuirasses, piques, epées, ceinturons, poches à cartouches, selles et brides, au déla de la quantité necessaire pour l'usage du vaisseau, et au déla de celle que doit avoir chaque homme servant sur le vaisseau, ou passager, et en général tout ce qui est compris sous la denomination d'armes et de munitions de guerre, de quelque espèce qu'elles puissent être.

Art. 14. Pour assurer aux vaisseau des deux parties contractantes, l'avantages d'être promptement et sûrement reconnus, en tems de guerre, on est convenu qu'ils devront être munis des lettres de mer et documens specifiés ci-apres:

1. D'un passeport exprimant le nom, le propriétaire, et le port du navire, ainsi que le nom et le domicile du maître. Ces passeports, qui seront expédiés en bonne et due forme devront être renouvellés toutes les fois que le vaisseau retournera dans son port, et seront exhibés à chaque requisition tant en pleine mer, que dans le port. Mais si le navire se trouve sous le convoi d'un, ou de plusieurs vaisseaux de guerre, appartenants à la partie neutre, il suffira que l'officier commandant le convoi déclare que le navire est de son parti moyennant quoi cette simple déclaration sera censée établir le fait, et dispensera les deux parties de toute visite ultérieure.

2 De la certe-parte, c'est à dire, du contrât passé pour le frêt de tout le navire, ou des connoissemens donnés pour la cargaison en général. Et

3. Du rôle d'équipage, contenant l'indication nominale et detaillée des personnes, qui composent l'équipage du navire. Ces documens seront toujours expediés dans la forme etablié à l'endroit d'où le navire aura mis à la voile.

Comme leur production ne doit être exigée que dans le cas ou l'une des parties contractantes seroit en guerre, et que leur exhibition ne doit avoir d'autre but, que de prouver le neutralité des vaisseaux, de leurs équipages et de leurs cargaisons, ils ne seront pas censés absolument nécessaires à bord des navires de la partie neutre, qui seront sortis de ses ports, avant, ou trois mois après, que le gouvernement aura en connoissance de l'état de guerre ou se trouve la partie belligrénte. Pendant cet intervalle le navire pourra, au défaut des documens ci-dessus specifiés, prouver sa neutralité par tel autre témoignage, que les tribunaux, appellés a juger du cas trouveront suffisans.

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Armed vessels visiting a merchantman to remain out of the reach of cannon shot, &c.

ART. 15. And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not send more than two or three men in their boat on board the said neutral vessel, to examine her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest or insult, in any manner whatever, the people, vessels, or effects of the other party, shall be responsible, in their persons and property for damages and interest; sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

Commanders of armed vessels to give bond.

Vessels of each party, subject to general embargo, on the footing of the most favored nations.

Exemption stipulated in the 16th article of the treaty of 1785, annulled.

Indemnity stipulated for vessels obtained for public uses.

ART. 16. In times of war, or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing as those of the most favored nations, but without having the right to claim the exemption in their favor, stipulated in the 16th article of the former treaty of 1785. But, on the other hand, the proprietors of the vessels which shall have been detained, whether for some military expedition, or for what other use soever, shall obtain from the government that shall have employed them an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention, or arrest, for debts contracted, or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Arrests of the citizens or subjects of one party, within the jurisdiction of the other to take place according to law only.

Vessels, &c. of either party, taken by an enemy or a pirate, and recaptured by the other, to be returned on proof.

ART. 17. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by the power at war, they shall be restored to the first proprietor, upon the conditions hereafter stipulated, in the twenty-first article, for cases of re-capture.

Vessels of either party, driven by stress of weather, &c. into the ports of the other, to be protected, and the persons on board treated humanely, &c.

ART. 18. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbors or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refresh-

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ART. 15. Pour prévenir entièrement tout désordre et toute violence en pareil cas, il a été stipulé que lorsque des navires de la partie neutre, navigeant sans convoi, recontreront quelque vaisseau de guerre, public ou particulier, de l'autre partie, le vaisseau de guerre n'enverra pas plus de deux ou trois hommes dans sa chaloupe à bord, du navire neutre pour examiner les passeports et documens. Et toutes les personnes appartenantes à quelque vaisseau de guerre public ou particulier, qui molesteront ou insulteront en quelque manière que ce soit, l'équipage, les vaisseaux ou effets de l'autre partie, seront responsables en leurs personnes et en leurs biens, de tous dommages et intérêts, pour lesquels il sera donné caution suffisante par tous les commandans de vaisseaux armés en course, avant qu'ils reçoivent leurs commissions.

ART. 16. Dans les tems de guerre, et le cas de necessité urgente, où l'une des parties contractantes se verroit obligée d'établir un embargo général, soit dans tous les ports de sa domination, soit dans certains ports particuliers, les vaisseaux de l'autre partie resteront assujettis à cette mésure, sur le même pied que le seront les navires des nations les plus avantagées, sans pouvoir reclamer l'exemption, qui avoit été stipulée en leur faveur dans l'article 16 de l'ancien traité de 1785. Mais, d'un autre côté, les propriétaires des vaisseaux, qui auront été retenus, soit pour quelque expédition militaire, soit pour tel autre usage que ce soit, obtiendront du gouvernement qui les aura employés, une indemnite équitable, tant pour le frêt que pour les pertes occasionnées par le retard.

De plus et dans tous les cas de saisie, de détention, ou d'arêt, soit pour dettes contractées, ou offenses commises par quelque citoyen ou sujet de l'une des parties contractantes, dans la jurisdiction de l'autre, on procédera uniquement par ordre et par autorité de la justice et suivant les voyes ordinaires en pareil cas usitées.

ART. 17. S'il arrivoit que les bâtimens ou effets de la puissance neutre fussent pris par l'ennemi de l'autre, ou par un pirate, et ensuite repris par la puissance en guerre, ils seront restitués au premier propriétaire, aux conditions qui seront stipulés ci-aprés dans l'article vingt-un, pour les cas de reprise.

ART. 18. Lorsque les citoyens ou sujets de l'une des deux parties contractantes, seront forcés par des tempêtes, ou par la poursuite des corsaires ou vaisseaux ennemis, ou par quelque autre accident, à se réfugier avec leurs vaisseaux ou effets dans les havres, ou dans la jurisdiction de l'autre, ils seront reçus,

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ments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their vessels.

Vessels of war of each party may freely enter and depart from the ports of the other with their prizes.

ART. 19. The vessels of war, public and private, of both parties shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees, to officers of admiralty, of the customs, or any others, nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors, to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show. But conformably to the treaties existing between the United States and Great Britain, no vessel that shall have made a prize upon British subjects, shall have a right to shelter in the ports of the United States; but, if forced therein by tempests, or any other danger, or accident of the sea, they shall be obliged to depart as soon as possible.

*See article 24, page 350.

Vessels that have made a prize on British subjects, not entitled to shelter in the ports of the U. States.

Citizens of one party not to take commissions or letters of marque, from a 3d power, to act against the other. Neither to furnish military or naval succor to a third power, to aid against the other. Regulations to be observed in case of war against a common enemy.

ART. 20. No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of marque for arming any vessel to act, as a privateer against the other, on pain of being punished as a pirate: nor shall either party hire, lend, or give any part of its naval or military force, to the enemy of the other, to aid them offensively or defensively against the other.

Vessels of one party, recaptured from the enemy of the other, before being carried into port, to be restored, on payment of one-eight part of vessel and cargo to a public vessel, one one-sixth to a privateer.

ART. 21. If the two contracting parties should be engaged in a war against a common enemy, the following points shall be observed between them:

1. If a vessel of one of the parties, taken by the enemy, shall, before being carried into a neutral or enemy's port, be retaken by a ship of war, or privateer of the other, it shall, with the cargo, be restored to the first owners, for a compensation of one-eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship of war; and one sixth part, if made by a privateer.

Proof & surety required before restitution.

2. The restitution in such cases shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

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protégés et traités avec humanité et honnêteté Il leur sera permis de se pourvoir à un prix raisonnable de rafraîchissemens, de provisions et de toutes choses nécessaires pour leu s ,b--tance, santé et commodité, et pour la reparation de leurs vaisseaux. 1799. July 11.

Art. 19. Les vaisseaux de guerre, publics et particuliers, des deux parties contractantes, pourront conduire en toute liberté, partout où il leur plaira, les vaisseaux et effets, qu'ils auront pris sur leurs ennemis, sans être obligés de payer aucunes impôts, charges, ou droits aux officiers de l'amirauté, des douanes ou autres. Ces prises ne pourront être non plus ni arrêtées, ni visitées, ni soumises à des procédures légales, en entrant dans le port de l'autre partie, mais elles pourront en sortir librement, et être conduites en tout temps par le vaisseau preneur aux endroits portés par les commissions; dont l'officier commandant le dit vaisseau sera obligé de faire montre. Mais conformément aux traités subsistans entre les Etats Unis et le Grand Brétagne, tout vaisseau qui aura fait une prise sur des sujets de cette dernière puissance, ne sauroit obtenir un droit d'asile dans les ports des Etats Unis, et s'il est forcé d'y relâcher par des tempêtes ou quelque autre danger ou accident de mer, il sera obligé d'en repartir le plutôt possible.

Art. 20. Aucun citoyen ou sujet de l'une des deux parties contractantes n'acceptera d'une puissance avec laquelle l'autre pourroit être en guerre, ni commission, ni lettre de marque, pour armer en course contre cette dernière, sous peine d'être puni comme pirate. Et ni l'un ni l'autre des deux états ne louera, prêtera ou donnera une partie de ses forces navales ou militaires à l'ennémi de l'autre, pour l'aider à agir offensivement ou défensivement contre l'état qui est en guerre.

Art. 21. S'il arrivoit que les deux parties contractantes fussent en mêmes temps en guerre contre une ennemi commun, on observera de part et d'autre les points suivans:

1. Lorsqu'un navire de l'une des deux nations sera repris par les vaisseaux de guerre ou armateurs de l'autre avant d'avoir été conduit dans un port ennemi ou neutre, il sera restitué avec sa cargaison au premier propriétaire, moyennant une retribution d'un huitième de la valeur du navire et de la cargaison, si la reprise a été faite par un vaisseau de guerre, et d'un sixième, si elle a été faite par un armateur.

2. Dans ces cas, la restitution n'aura lieu qu'après les preuves faites de la propriété, sous caution de la quote-part qui en revient a ceux qui ont repris le navire.

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3. The vessels of war, public and private, of the two parties, shall reciprocally be admitted with their prizes into the respective ports of each; but [nevertheless] the said prizes shall not be discharged or sold there, until their legality shall have been decided, according to the laws and regulations of the state to which the captor belongs, but by the judicatories of the place into which the prize shall have been conducted.

The legality of prizes to be determined according to the laws of each party, respectively.

4. It shall be free to each party to make such regulations as they shall judge necessary, for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

Each party at liberty to make regulations concerning prizes carried into the ports of the other.

ART. 22. Where the contracting parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

In case of a commonenemy or both being neutral, the vessels of war of each party to afford convoy.

[The following article to be valid in time of war. See art. 24, below.]

ART. 23. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: and all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers, and fishermen, unarmed, and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall, but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

In case of war, nine months allowed to merchants of each nation to settle affairs.

Women, children, cultivators, &c. not to be molested in case of war by the armed force of the party into whose power they may fall, &c.

[The following article to be valid in time of war. See the end of it.]

ART. 24. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contrac-

Prisoners of war not to be sent into inclement countries, nor crowded into noxious places.

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3. Les vaisseaux de guerre, publics et particuliers, des deux parties contractantes seront admis réciproquement avec leurs prises, dans les ports respectifs, cependant ces prises ne pourront y être dechargées ni vendues, qu' après que la légitimité de la prise aura été decidée suivante les loix et réglemens de l'état dont le preneur est sujet, mais par la justice du lieu où la prise aura été conduite.

4. Il sera libre à chacune des parties contractantes de faire tels réglemens qu'elles jugeront nécessaires, relativement à la conduite que devront tenir respectivement leurs vaisseaux de guerre public et particuliers, à l'égard des bâtimens qu'ils auront pris et amenés dans les ports des deux puissances.

Art. 22. Lorsque les parties contractantes seront engagées en guerre contre un ennemi commun, ou qu'elles seront neutres toutes deux, les vaisseaux de guerre de l'une prendront en toute occasion, sous leur protection, les navires de l'autre, qui font avec eux la même route, et ils les defendront, aussi long-temps qu'ils feront voile ensemble, contre toute force et violence et de la même manière qu'ils protégeroient et défendroient les navires de leur propre nation.

Art. 23. S'il survient une guerre entre les parties contractantes, les marchands de l'une des deux états qui resideront dans l'autre, auront la permission d'y rester encore neuf mois, pour recueillir leurs dettes actives, et arranger leurs affaires, après quoi ils pourront partir en toute liberté et emporter tous leurs biens, sans être molestés ni empêchés. Les femmes et les enfans, les gens de lettres de toutes les facultés, les cultivateurs, artisans, manufacturiers et pêcheurs, qui ne sont point armés et qui habitent des villes, villages ou places non fortifiées, et en général tous ceux dont la vocation tend à la subsistence et à l'avantage commun du genre humain, auront la liberté de continuer leurs professions respectives, et ne seront point molestés en leur personnes, ni leurs maisons, ou leurs bien incendiés, ou autrement detruits, ni leurs champs ravagés par les armées de l'ennemi au pouvoir duquel ils pourroient tomber par les évenemens de la guerre; mais si l'on se trouve dans la necessité de prendre quelque chose de leurs propriétés pour l'usage de l'armée ennemie, la valeur en sera payée à un prix raisonnable.

Art. 24. Afin d'adoucir le sort des prisonniers de guerre, et ne les point exposer à être envoyés dans des climats éloignés et rigoureux, ou resserrés dans des habitations étroites et malsaines, les deux parties contractantes s'engagent solemnelle-

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ting parties solemnly pledge themselves to the world, and to each other, that they will not adopt any such practice: that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa, but they shall be placed in some parts of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers, shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for their own troops: that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they shall allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended whatever; that each party shall be allowed to keep a commissary of prisoners, of their own appointment, with every separate cantonment, of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but on the contrary, that the state of war is precisely that for which they are provided; and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

Expense of supporting prisoners of war to be defrayed by each party respectively.

Commissaries of prisoners allowed on each side.

Commissaries may visit prisoners and distribute comforts, &c.

Prisoners violating parole, or escaping, to forfeit future indulgence in relation to enlargement, &c.

The pretence, that war dissolves all treaties, &c., not to effect this and the preceding articles, viz.—the 23d & 24th.

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ment l'une envers l'autre, et à la face de l'univers, qu'elles n'adopteront aucun de ces usages; que les prisonniers qu'elles pourroient faire l'une sur l'autre ne seront transportés ni aux Indes Orientales, ni dans aucune contrée de l'Asie ou de l'Afrique, mais qu'on leur assignera en Europe ou en Amérique, dans les territoires respectifs des parties contractantes, un séjour situé dans un air sain; qu'ils ne seront point confinés dans des cachots, ni dans des prisons, ni dans des vaisseaux de prison; qu'ils ne seront pas mis aux fers, ni garrotés, ni autrement privés de l'usage de leurs membres; que les officiers seront relâchés sur leur parole d'honneur, dans l'enceinte de certains districts qui leur seront fixés, et qu'on leur accordera des logemens commodes; que les simples soldats seront distribués dans des cantonnemens ouverts, assez vastes pour prendre l'air et l'exercice, et qu'ils seront logés dans des barraques aussi spacieuses et aussi commodes que le sont celles des troupes de la puissance au pouvoir de la quelle se trouvent les prisonniers; que cette puissance fera pourvoir journellement les officiers d'autant de rations composées des mêmes articles et de la même qualité, dont jouissent en nature ou en équivalent, les officiers du même rang qui sont à son propre service; qu'elle fournira également à tous les autres prisonniers une ration pareille à celle qui est accordée au soldat de sa propre armée. Le montant de ces dépenses sera payé par l'autre puissance, d'après une liquidation de compte à arrêter reciproquement pour l'entretien des prisonniers à la fin de la guerre; et ces comptes, ne seront point confondus; ou balances avec d'autres comptes, ni la solde qui en est due, retenue, comme compensation, ou représailles, pour tel autre article ou telle autre prétention réelle ou supposée. Il sera permis à chacune des deux puissances d'entretenir un commissaire de leur choix; dans chaque cantonnement des prisonniers qui sont au pouvoir de l'autre. Ces commissaires auront la liberté de visiter les prisonniers, aussi souvent qu'ils le desireront; ils pourront également recevoir et distribuer les douceurs que les parens ou amis des prisonniers leur feront parvenir; enfin il leur sera libre encore, de faire leurs rapports par lettres ouvertes, à ceux qui les employent; mais si un officier manquoit à sa parole d'honneur, ou qu'un autre prisonnier sortit des limites qui auront été fixées à son cantonnement, un tel officier ou autre prisonnier sera frustré individuellement des avantages stipulés dans cet article, pour sa relaxation sur parole d'honneur ou pour son cantonnement. Les deux puissances contractantes ont declarés en outre, que ni le prétexte

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Each party may have consuls, &c. in the ports of the other.

ART. 25. The two contracting parties have granted to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents, and commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Consuls not to have peculiar privileges in commerce.

Favors granted to any other nation, in navigation or commerce, by one party, shall become common to the other, on the same conditions.

ART. 26. If either party shall hereafter grant to any other nation, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

This treaty to endure for ten years from the year 1799.

ART. 27. His majesty the king of Prussia, and the United States of America, agree, that this treaty shall be in force during the term of ten years from the exchange of the ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall restore peace.

Ratifications to be exchanged within a year.

This treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature; or sooner if possible.

In testimony whereof, the plenipotentiaries before mentioned, have hereto subscribed their names, and affixed their seals.

Done at Berlin, the eleventh of July, in the year one thousand seven hundred and ninety-nine.

[L. S.] JOHN QUINCY ADAMS,
[L. S.] CHARLES GUILLAUME,
Comté de Fickenstein.
[L. S.] PHILIP CHARLES D'ALVENSLEBEN,
[L. S.] CHRETIEN HENRY-CURCE,
Comté de Haugwitz.

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que la guerre rompt les traités, ni tel autre motif quelconque, ne sera censé annuller, ou suspendre cet article, et le précedent; mais qu'au contraire, le tems de la guerre est précisément celui pour lequel ils ont été stipulées et durant lequel ils seront observés aussi saintement que les articles les plus universellement reconnus par le droit de la nature et des gens.

ART. 25. Les deux parties contractantes, se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice consuls, agens et commissaires de leur choix, et ils y jouiront des mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisées. Mais dans le cas oú tel ou autre de ces consuls veuille faire le commerce, il sera soumis au mêmes loix et usages, auxquels sont soumis les particuliers de sa nation à l'endroit ou il réside.

ART. 26. Lorsque l'une des deux parties contractantes accordera dans la suite quelque faveur particulière en fait de navigation ou de commerce à d'autres nations, elle deviendra aussitôt commune à l'autre partie contractante, et celle-ci jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionelle.

ART. 27. Sa majesté le roi de Prusse et les Etats Unis de l'Amérique, sont convenus que le présent traité aura son plein effet pendent l'espace de dix années à compter du jour de l'échange des ratifications, et que si l'expiration de ce terme arrivoit dans le cours d'une guerre, entre'eux, les articles ci-dessus stipulés pour régler leur conduite en temps de guerre conserveront toute leur force jusqu' à la conclusion du traité qui retablira la paix.

Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées dans l'espace d'une année, à compter du jour de la signature; ou plutôt, si faire se peut.

En foi de quoi, les plénipotentiaires susnommés ont signé le présent traité et y ont apposé le cachet de leurs armes.

Fait à Berlin, le onze Juillet, l'an mille sept cents quatre vingt dix neuf.

[L. S.] JOHN QUINCY ADAMS,
[L. S.] CHARLES GUILLAUME,
Comté de Fickenstein.
[L. S.] PHILIP CHARLES D'ALVENSLEBEN,
[L. S.] CHRETIEN HENRY-CURCE,
Comté de Haugwitz.

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1828. May 1.

By the President of the United States of America. A Proclamation.

Whereas a treaty of Commerce and Navigation between the United States of America, and his Majesty the King of Prussia, was concluded and signed by their plenipotentiaries, at Washington, on the first day of May, one thousand eight hundred and twenty-eight, which treaty, being in the English and French languages, is word for word, as follows:

No. 3.—*Treaty of Commerce and Navigation between the United States of America, and his Majesty the King of Prussia.*

Object.

The United States of America and his Majesty the King of Prussia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states, of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, and applicable in time of peace, as well as in time of war, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce, for which purpose the President of the United States has conferred full powers on Henry Clay, their Secretary of State; and his Majesty the King of Prussia has conferred like powers on the Sieur Ludwig Neiderstetter, chargé d'affaires of his said Majesty near the United States; and the said plenipotentiaries having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

Freedom of navigation & perfect reciprocity

Negotiators.

Reciprocal liberty of commerce and residence.

ART. 1. There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ART. 2. Prussian vessels arriving either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving either laden, or in ballast, in the ports of the kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the

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Traité de Commerce et de Navigation entre sa Majesté le Roi de Prusse, et les Etats Unis de l'Amérique.

Sa Majesté le Roi de Prusse, et les Etats Unis d'Amérique, également animés du desir de maintenir les rapports de bonne intelligence qui ont si heureusement subsisté jusqu'ici entre leurs états respectifs, et d'en étendre et consolider les relations commerciales, et convaincus que cet objet ne sauroit être mieux rempli qu'en adoptant le système d'une entière liberté de navigation, et d'une parfaite réciprocité, basée sur des principes d'equité également avantageux aux deux pays, et applicables en temps de paix comme en temps de guerre; sont, en conséquence convenus d'entrer en négociation pour conclure un traité de commerce et de navigation. A cet effet, sa Majesté le Roi de Prusse a muni de pleins pouvoirs le Sieur Ludwig Niéderstetter, chargé d'affaires de sa dite Majesté près les Etats Unis d'Amérique, et le Président des Etats Unis d'Amérique, a muni des mêmes pourvoirs Henri Clay, leur secrétaire d'état; lesquels plénipotentiaires, après avoir echangé leurs dits pleins pouvoirs, trouvés en bonne et düe forme, on arrêté et signé les articles suivans:

Art. 1. Il y aura, entre les territoires des hautes parties contractantes, liberté et réciprocité de commerce et de navigation. Les habitans de leurs etats respectifs pourront, réciproquement, entret dans les ports, places et rivières des territoires de chacune d'elles, partout ou le commerce étranger est permis. Ils seront libres de s'y arrêter et résider dans quelque partie que ce soit desdits territoires, pour y vaquér à leurs affaires; et ils jouiront, à cet effet, de la même sécurité et protection que les habitans du pays dans lequel ils résideront, à charge de se soumettre aux lois et ordonnances y établies.

Art. 2. Les bâtimens Prussiens arrivant, sur lest ou chargés dans les ports des Etats Unis d'Amérique; et, réciproquement les bâtimens des Etats Unis, arrivant, sur lest ou chargés, dans les ports du royaume de Prusse, seront traités, a leur entrée, pendant leur sejour, et à leur sortie, sur le même pied que les bâtimens nationaux venant du même lieu, par rapport

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same place, with respect to the duties of tonnage, light-houses, pilotage, salvage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever.

All articles of commerce to be subject to the same duties, in vessels of either nation.

ART. 3. All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the kingdom of Prussia, in Prussian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Prussian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the kingdom of Prussia, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said states, may, also, be so imported in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

The above provision further explained.

ART. 4. To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Prussian vessels, and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said states and their cargoes, arriving in the ports of the kingdom of Prussia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

Produce of the parties put on the most favored footing.

ART. 5. No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Prussia; and no higher or other duties shall be imposed on the importation into the kingdom of Prussia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country.—Nor shall any prohibition be imposed on the importation or

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aux droits de tonnage, de fanaux, de pilotage, de sauvetage, et de port, ainsi qu'aux vacations des officiers publics, et à tout autre droit ou charge, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques. 1828. May 1.

Art. 3. Toute espèce de marchandises et objets de commerce, provenant du sol ou de l'industrie des Etats Unis d'Amérique, ou de tout autre pays, qui pourront légalement être importés dans les ports du royaume de Prusse, sur des bâtimens Prussiens, pourront également y être importés sur des bâtimens des Etats Unis d'Amérique, sans payer d'autres, ou plus forts droits ou chargés, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que s'ils étoient importés sur des bâtimens Prussiens. Et réciproquement, tout espèce de merchandises et objets de commerce, provenant du sol ou de l'industrie du royaume de Prusse, ou de tout autre pays, qui pourront légalement être importés dans les ports des Etats Unis d'Amérique, sur des bâtimens desdits états, pourront également y être importés sur des bâtimens Prussiens, sans payer d'autres ou plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que s'ils étoient importés sur des bâtimens des Etats Unis d'Amérique.

Art. 4. Afin de prévenir tout mésentendu et équivoque possibles, il est déclaré que les stipulations contenues dans les deux articles précédens, sont, dans toute leur plénitude, applicables aux bâtimens Prussiens et leur cargaisons, arrivant dans les ports des Etats Unis d'Amérique; et réciproquement, aux bâtimens des dits états, et leurs cargaisons, arrivant dans les ports du royaume de Prusse, soit que les dits bâtimens viennent des ports du pays auquel ils appartiennent soit de ceux de tout autre pays étranger.

Art. 5. Il ne sera imposé d'autres ni de plus forts droits sur l'importation dans les Etats Unis, des articles provenant du sol ou de l'industrie du royaume de Prusse; et il ne sera imposé d'autres ni de plus forts droits sur l'importation dans le royaume de Prusse, des articles provenant du sol ou de l'industrie des Etats Unis, que ceux qui sont, ou seront imposés sur les mêmes articles provenant du sol ou de l'industrie de tout autre pays étranger. De même il ne sera imposé

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exportation of any article the produce or manufacture of the United States, or of Prussia, to, or from, the ports of the United States, or to, or from the ports of Prussia, which shall not equally extend to all other nations.

Vessels of both parties put on the same footing, as to exportation.

ART. 6. All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported from the ports of the said United States, may, also, be exported therefrom in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the kingdom of Prussia, so that all kind of merchandise and articles of commerce, either the produce of the soil or the industry of the said kingdom, or of any other country, which may be lawfully exported from Prussian ports in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in Prussian vessels.

Coastwise navigation excepted

ART. 7. The preceding articles are not applicable to the coastwise navigation of the two countries, which is, respectively reserved, by each of the high contracting parties, exclusively, to itself.

Neither party to give any advantage whatever to goods, on account of the importing bottom.

ART. 8. No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to, the character of the vessel, whether it be of the one party, or of the other, in which such article was imported: it being the true intent and meaning of the contracting parties, that no distinction or difference, whatever, shall be made in this respect.

Prospective provision for maintaining the most favored footing.

ART. 9. If either party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall

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sur l'importation ou sur l'exportation des articles provenant du sol ou de l'industrie des Etats Unis, ou du royaume de Prusse, à l'entrée ou à la sortie des ports des Etats Unis, ou de ceux du royaume de Prusse, aucune prohibition qui ne soit pas également applicable à toute autre nation.

Art. 6. Toute espèce de marchandises et objets de commerce provenant du sol ou de l'industrie des Etats Unis, ou de tout autre pays, qui pourront être légalement exportés des ports des dits états, sur des bâtimens nationaux, pourront également en être exportés sur des bâtimens Prussiens, sans payer d'autres ni de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'etablissemens particuliers quelconques, que si ces mêmes marchandises ou denrées avaient été exportées par batimens des Etats Unis de Amérique.

Une parfaite réciprocite sera observée dans les ports du royaume de Prusse, de sorte que toute espèce de marchandises et objets de commerce, provenant du sol ou de l'industrie du royaume de Prusse, ou de tout autre pays, qui pourront être légalement exportés des ports du dit royaume, sur des bâtimens nationaux, pourront également en être exportés sur des bâtimens des Etats Unis d'Amérique, sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que si ces marchandises ou denrées avaient été exportées sur des bâtimens Prussiens.

Art. 7. Les articles précédens ne sont pas applicables á la navigation de côtes ou cabotage de chacun des deux pays, que l'une et l'autre des hautes parties contractantes se réservent exclusivement.

Art. 8. Il ne sera accordé, ni directement, ni indirectement, par l'une ou par l'autre des parties contractantes, ni par aucune compagnie, corporation, ou agent agissant en son nom, ou par son autorité, aucune priorité ou préférence, quelconque, pour l'achat d'aucun objet de commerce, légalement importé, à cause ou en considération de la nationalité du navire qui auroit importé les dits objets, soit qu'il appartienne à l'une des parties, soit à l'autre, l'intention bien positive des parties contractantes, étant, qu' aucune différence ou distinction quelconque n'ait lieu à cet égard.

Art. 9. Si l'une des parties contractantes accorde, par la suite, à d'autres nations quelque faveur particulière, en fait

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Consuls, &c.

ART. 10. The two contracting parties have granted to each other the liberty of having, each in the ports of the other, consuls, vice consuls, agents and commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations. But if any such consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Consuls exercising commerce

Jurisdiction of consuls, &c.

The consuls, vice consuls, and commercial agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain should disturb the order or tranquillity of the country; or the said consuls, vice consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

Consuls, &c., may require the aid of local authorities, &c.

ART. 11. The said consuls, vice consuls, and commercial agents, are authorized to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents that such individuals formed part of the crews; and, on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice consuls, or commercial agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or

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de commerce ou de navigation, cette faveur deviendra aussitôt commune à l'autre partie, qui en jouira gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionelle.

Art. 10. Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs, des consuls, vice consuls, agens et commissaires de leur choix, qui jouiront des mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisées; mais dans le cas ou les dits consuls veuillent faire le commerce, ils seront soumis aux mêmes lois et usages, auxquels sont soumis les particuliers de leur nation à l'endroit où ils résident.

Les consuls, vice consuls, et agens commerciaux, auront le droit, comme tels, de servir de juges et d'arbitres dans les différens qui pourroient s'élever entre les capitaines et les équipages des bâtimens de la nation dont ils soignent les intérêts, sans que les autorités locales puissent y intervenir, à moins que la conduite des équipages ou du capitaine ne troublât l'ordre ou la tranquillité du pays; ou que les dits consuls, vice consuls, ou agens commerciaux, ne réquissent leur intervention pour faire exécuter ou maintenir leurs décisions; bien entendu que cette espèce de jugement ou d'arbitrage, ne sauroit, pourtant, priver les parties contendantes du droit qu'elles ont, à leur retour de recourir aux autorités judiciares de leur pays.

Art. 11. Les dits consuls, vice consuls, ou agens commerciaux, sont autorisés à requérir l'assistance des autorités locales, pour la recherche, l'arrestation, la détention, et l'imprisonnement, des déserteurs des navires de guerre et marchands de leur pays; ils s'adresseront, pour cet objet, aux tribunaux, juges, et officiers compétens, et reclameront, par écrit, les déserteurs susmentionnés, en prouvant par la communication des régistre des navires, ou rôles de l'équipage ou par d'autres documens officiels, que de tels individus ont fait partie desdits équipages, et cette réclamation ainsi prouvée, l'extradition ne sera point refusée.

De tels deserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition desdits consuls, vice consuls, ou agens commerciaux, et pourront être enfermés dans les prisons publiques, à la requisition et aux frais de ceux qui les réclament, pour être envoyés aux navires auxquels ils appartenoient, ou à d'autres de la même nation. Mais s'ils ne sont pas renvoyés dans l'espace de trois mois, a compter du jour de leur arrestation, ils seront mis en liberté, et ne seront plus arrêtés pour la même cause.

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offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Certain stipulations in former treaties revived.

ART. 12. The twelfth article of the treaty of amity and commerce, concluded between the parties in 1785, and the articles from the thirteenth to the twenty-fourth, inclusive, of that which was concluded at Berlin in 1799, with the exception of the last paragraph in the nineteenth article, relating to the treaties with Great Britain, are, hereby, revived with the same force and virtue, as if they made part of the context of the present treaty; it being, however, understood that the stipulations contained in the articles thus revived, shall be always considered as, in no manner, affecting the treaties or conventions concluded by either party with other powers, during the interval between the expiration of the said treaty of 1799, and the commencement of the operation of the present treaty.

Security of neutral navigation to be the subject of a future treaty.

The parties being still desirous, in conformity with their intention declared in the twelfth article of the said treaty of 1799, to establish between themselves, or in concert with other maritime powers, further provisions to ensure just protection and freedom to neutral navigation and commerce, and which may, at the same time, advance the cause of civilization and humanity, engage again to treat on this subject, at some future and convenient period.

Vessels entering blockaded ports, &c.

ART. 13. Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed, at the time of its departure to be blockaded, shall not, however be captured or condemned, for having attempted, a first time, to enter said port, unless it can be proved that said vessel could, and ought to, have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

The citizens or subjects of each party may dispose of their personal estate, by will or oth-

ART. 14. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being citizens or subjects of the

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Toutefois, si le déserteur se trouvoit avoir commis quelque crime ou délit, il pourra être sursis à son extradition, jusqu'à ce que le tribunal nanti de l'affaire, aura rendu sa sentence, et que celle-ci ait reçu son exécution.

ART. 12. L'article douze du traité d'amitié et de commerce, conclu entre les parties en 1785; et les articles treize et suivans, jusqu'à l'article vingtquatre, inclusivement, du traité conclu à Berlin, en 1799, en exceptant le dernier paragraphe de l'article dix-neuf, touchant les traités avec la Grand Bretagne, sont remis en vigueur, et auront la même force et valeur que s'ils faisoient partie du présent traité: il est entendu, cependant que les stipulations contenues dans les articles ainsi remis en vigueur, seront toujours censées ne rien changer aux traités et conventions conclus de part et d'autre, avec d'autres puissances, dans l'intervalle écoulé entre l'expiration dudit traité de 1799, et le commencement de la mise en vigueur du présent traité.

Les parties contractantes desirant toujours conformément à l'intention declarée dans l'article douze dudit traité de 1799, pourvoir, entre elles, ou conjointement avec d'autres puissances maritimes, à des stipulations ultérieures qui puissent servir à garantir une juste protection et liberté au commerce et à la navigation des neutres, et à aider la cause de la civilisation et de l'humanité, l'engagent ici, comme alors à concerter ensemble sur ce sujet, à quelque époque future et convenable.

ART. 13. Vû l'éloignement des pays respectifs des deux hautes parties contractantes, et l'incertitude qui en résulte sur les divers événemens qui peuvent avoir lieu; il est convenu qu'un bâtiment marchand, appartenant à l'une d'elles, qui se trouveroit destiné pour un port supposé bloqué, au moment du départ de ce bâtiment, ne sera cependant pas capture ou condamné, pour avoir essayé une première fois d'entrer dans ledit port, à moins qu'il ne puisse être prouvé que ledit bâtiment avoit pu et du apprendre en route que l'état de blocus de la place en question duroit encore: mais les bâtimens qui, après avoir été renvoyés une fois, essayeroient, pendant le même voyage d'entrer une second fois dans le même port bloqué, durant la continuation de ce blocus, se trouveront alors sujets à être détenus et condamnés.

ART. 14. Les citoyens ou sujets de chacune des parties contractantes, auront, dans les états de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation ou autrement, et leurs héritiers étant sujets ou citoyens

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other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of *détraction* on the part of the government of the respective states. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published by his majesty the king of Prussia, to prevent the emigration of his subjects.

erwise, and inherit, in the dominions of the other, &c.

Where no one appears to claim inheritance, to be held in the custody of the law of the land.

Citizens or subjects of each party, allowed a reasonable time to sell lands &c. in the dominions of the other, which they cannot hold without naturalization.

This article not to derogate from the laws of Prussia concerning emigration.

This treaty is to remain in force twelve years.

ART. 15. The present treaty shall continue in force for twelve years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official ratification to the other its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

ART. 16. This treaty shall be approved and ratified by the President of the United States of America, by, and with, the advice and consent of the Senate thereof, and by his majesty the king of Prussia, and the ratifications shall be exchanged in the city of Washington, within nine months from the date of the signature hereof, or sooner, if possible.

In faith whereof the respective plenipotentiaries have signed the above articles, both in the French and English languages; and they have thereto affixed their seals, declaring, nevertheless, that the signing in both languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done in triplicate at the city of Washington, on the first day of May, in the year of our Lord one thousand eight hundred and twenty-eight; and the fifty-second of the Independence of the United States of America.

[Signed] H. CLAY,
LUDWIG NIEDERSTETTER.

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de l'autre partie contractante, succéderont à leurs biens, soit en vertu d'un testament, ou *ab intestato*, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposeront à leur volonté, en ne payant d'autres droits que ceux auxquels les habitans du pays où se trouvent lesdits biens sont assujettis en pareille occasion. En cas d'absence des héritiers, on prendra provisoirement desdits biens les mêmes soins qu'on auroit pris en pareille occasion des biens des natifs du pays, jusqu'à ce que le propriétaire légitime ait agrée des arrangemens pour recueillir l'héritage.— S'il s'éleve des contestations entre differens pretendans ayant droit à la succession, elles seront décidées en dernier ressort, selon les loix et par les juges du pays ou la succession est vacante. Et si, par la mort de quelque personne possédant des biens-fonds sur le territoire de l'une des parties contractantes, ces biens-fonds venoient à passer, selon les loix du pays, à un citoyen ou sujet de l'autre partie, celuici, si, par sa qualité d'étrangers il est inhabile à les posséder, obtiendra un délai convenable pour les vendre, et pour en retirer le produit sans obstacle, et exempte de tout droit de retenue, de la part du gouvernement des états respectifs. Mais cet article ne dérogera en aucune manière à la force des lois qui ont déja été publiées, ou qui le seront par la suite, par sa Majesté le Roi de Prusse, pour prévenir l'émigration des ses sujets. 1828. May 1.

Art. 15. Le présent traité sera en vigueur pendant douze années, à compter du jour de l'échange des ratifications, et si douze mois avant l'expiration de ce terme, ni l'une ni l'autre des hautes parties contractantes, n'annonce à l'autre par une declaration officielle, son intention d'en faire cesser l'effet, ledit traité restera obligatoire pendant un an au delà de ce terme, et ainsi de suite, jusqu'à l'expiration des douze mois qui suivront une telle déclaration, à quelque époque qu'elle ait lieu.

Art. 16. Le présent traité sera approuvé et ratifié par sa Majesté le Roi de Prusse, et par le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat desdits états, et les ratifications en seront échangées en la ville de Washington, dans l'espace de neuf mois, à dater de ce jour, ou plutôt, si faire se peut.

En foi de quoi les plenipotentiaires respectifs ont signe les articles ci-dessus, tant en Francais qu'en Anglais, et y ont appose leurs sceaux, declarant, toutefois, que la signature dans ces deux langues, ne doit pas, par la suite, etre citee comme exemple, ni, en aucune maniere, porter prejudice aux parties contractantes.

Fait par triplicata en la cite de Washington, le premier Mai, l'an de grace mil huit cent vingt-huit, et le cinquante deuxieme de l'independance des Etats Unis d'Amerique.

[Signé,] LUDWIG NIEDERSTETTER.
H. CLAY.

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1785.
October 27.

TREATIES WITH SPAIN.

No. 1.—*Treaty of friendship, limits, and navigation, between the United States of America, and the king of Spain.*

Mutual desire of consolidating friendship & correspondence.

His catholic majesty, and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention, his catholic majesty has appointed the most excellent lord don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchaz Zarzosa; prince de la paz; duke de la Alcudia; lord of the Soto de Roma, and of the state of Albalá; grandee of Spain of the first class; perpetual regidor of the city of Santiago; knight of the illustrious order of the golden fleece, and great cross of the royal and distinguished Spanish order of Charles the 3d: commander of Valencia del Ventoso Rivera, and Acenchal in that of Santiago; knight and great cross of the religious order of St. John; counsellor of state; first secretary of state and despacho; secretary to the Queen, superintendant general of the posts and highways; protector of the royal academy of the noble arts, and of the royal societies of natural history, botany, chemistry, and astronomy; gentleman of the king's chamber in employment; captain general of his armies; inspector and major of the royal corps of body guards, &c. &c. &c.; and the president of the United States, with the advice and consent of their senate, has appointed Thomas Pinckney, a citizen of the United States, and their envoy extraordinary to his catholic majesty. And the said plenipotentiaries have agreed upon and concluded the following articles:

Firm and inviolable peace.

ART. 1. There shall be a firm and inviolable peace and sincere friendship between his catholic majesty, his successors and subjects, and the United States, and their citizens, without exception of persons or places:

Designation of the southern boundary line of the U. States which divides their territory, the Spanish colonies of East & West Florida.

ART. 2. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to-wit: The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the

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TRATADOS CON ESPAÑA.

Tratado de amistad, limites, y navegacion, entre los Estados Unidos de America, y el rey de España.

Deseando S. M. catolica, y los Estados Unidos de America consolidar de un modo permanente la buena correspondencia y amistad que felizmente reyna entre ambas partes, han resuelto fixar por medio de un convenio varios puntos, de cuyo arreglo resultará un beneficio general, y una utilidad reciproca á los dos paises.

Con esta mira han nombrado S. M. catolica al excelentisimo sor. dn. Manuel de Godoy, y Alvarez de Faria, Rios, Sanchez Zarzosa; principe de la paz; duque de la Alcudia; señor del Soto de Roma, y del estado de Albalá; grande de España de primera clase; regidor perpetuo de la ciudad de Santiago; caballero de la insigne orden del toyson de Oro; gran cruz de la rl. y distinguida Española de Carlos III. comendador de Valencia del Ventoso Rivera, y Acenchal en de la Santiago; caballero gran cruz de la religion de Sn. Juan; consegero de estado; primer secretario de estado y del despacho; secretario de la reyna nuestra; sra. superintendente general de correos y camidos; protector de la rl. academia de las nobles artes, y de los rles. gabinete de historia natural, jardin botanico, y observatorio astronomico; gentilhombre de camara con exercicio; captain general de los rles. exercitos; inspector y sargento mayor del rl. cuerpo de guardias de corps, &c. &c. &c. y el presidente de los Estados Unidos, con consentimiento y aprobacion del senado, a don Tomas Pinckney, cuidadano de los mismos Estados, y su enviado extraordinario cerca de S. M. catolica, y ambos plenipotenciarios han adjustado y firmado los articulos siguientes:

Art. 1. Habrá una paz solida e inviolable, y una amistad sincera entre S. M. catolica sus succesores y subditos, y los Estados Unidos y sus Ciudadanos sin excepcion de personas, ó lugares.

Art. 2. Para evitar toda disputa en punto á los limites que separan los territorios de las dos altas partes contratantes, se han convenido, y declarado en el presente articulo lo siguiente, a saber: Que el limite meridional de los Estados Unidos, que separa su territorio de el de las colonias Españolas de la Florida Occidental y de la Florida Oriental, se

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river Mississippi, at the nothernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola, or Catahouche; thence along the middle thereof to its junction with the Flint, thence strait to the head of St. Mary's river, and thence down the middle thereof to the Atlantic ocean. And it is agreed, that if there should be any troops, garrisons, or settlements of either party, in the territory of the other, according to the abovementioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

Garrisons, &c. of either party, in the territory of the other, to be withdrawn within 6 months after the ratification of this treaty, &c.

Each party to furnish a commissioner and surveyor, to meet at Natchez, to run the boundary line, keep journals, &c. which are to be considered as part of this convention.

ART. 3. In order to carry the preceding article into effect, one commissioner and one surveyor shall be appointed by each of the contracting parties who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. (1) And if on any account it should be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of his majesty's troops in the two Floridas; and the commanding officer of the troops of the United States, in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point, as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

[1 See note at the end of this treaty.]

The commissioners and surveyors allowed to have guards American and Spanish troops, &c.

The western boundary of the U. States, separating the Spanish colony of Louisiana from their territories to be in the middle of the channel, or bed of the river Mississippi.

ART. 4. It is likewise agreed, that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel, or bed of the river Mississippi, from the northern boundary of the said states, to the completion of the thirty-first degree of latitude north of the equator. And his catholic majesty has likewise agreed, that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention. (2)

The entire navigation of the Mississippi free only to American & Spanish subjects.

[2 See note at the end of this

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demarcará por una linea que empieze en el rio Misisipi, en la parte mas septentrional del grado treinta y uno al norte del equador, y que desde alli signa en derechura al este, hasta el medio del rio Apalichola ó Catahouche; desde alli por la mitad de este rio hasta su union con el Flint; de alli en derechura hasta el nacimiento del rio Sta. Maria; y de alli baxando por el medio de este rio hasta el oceano Atlantico. Y se han convenido las dos potencias en que si hubiese tropa, guarniciones, ó establecimientos de la una de las dos partes en el territorio de la otra, segun los limites que se acaban de mencionar, se retirarán de dicho territorio en el termino de seis meses despues de la ratificacion de este tratado, ó antes si fuese posible, y que se les permitirá llevar consigo todos los bienes y efectos que posehan. 1795. October 27.

Art. 3. Para la execucion del articulo antecedente se nombrarán por cada una de las dos altas partes contratantes un comisario y un geometra que se juntarán en Natchez en la orilla izquierda del Misisipi, antes de expirar el termino de seis meses despues de la ratificacion de la convencion presente; y procederán á la demarcacion de estos limites conforme á lo estipulado en el articulo anterior. Levantarán planos, y formarán diarios de sus operaciones, que se reputarán como parte de este tratado, y tendran la misma fuerza que si estubieran insertas en el. Y si por qualquier motivo se creyese necessario que los dichos comisarios y geometras fuesen acompanados con guardias, se les darán en numero igual por el general que mande las tropas de S. M. en las dos Floridas, y el comandante de las tropas de los Estados Unidos en su territorio del sudoeste, que obrarán de acuerdo y amistosamente, asi en este punto como en el de apronto de viveres è instrumentos, y en tomar qualesquiera otras disposiciones necesarias para la execution de este articulo.

Art. 4. Se han convenido igualmente que el limite occidental del territorio de los Estados Unidos que los separa de la colonia Española de la Luisiana está en medio del canal ó madre del rio Misisipi desede el limite septentrional de dichos estados hasta el complemento de los trienta y un grados de latitud al norte del equador; y S. M. catolica ha convenido igaulmente en que la navegacion de dicho rio en toda su extension desde su origen hasta el oceaná, será libre solo á sus subditos y á los ciudadanos de los Estados Unidos á menos que por algun tratado particular haga extensiva esta libertad á subditos de otras potencias.

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Peace and harmony to be maintained among the Indians inhabiting the country adjacent to the Floridas.

Mutual stipulation for restraining by force, all hostilities between the Indians residing within the boundaries of the par tiesrespectively

ART. 5. The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain, by force, all hostilities on the part of the Indian nations living within their boundary: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of his catholic majesty, or his Indians, in any manner whatever.

No treaties except treaties of peace, to be made by one party, with the Indians living within the boundaries of the other, &c.

Advantages of the Indian trade to be common, &c.

And whereas several treaties of friendship exist between the two contracting parties, and the said nations of Indians, it is hereby agreed, that in future no treaty of alliance or other whatever, (except treaties of peace,) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity, so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expense which they have hitherto occasioned.

Each party to protect the vessels of the other within its jurisdiction, by sea or land; and to restore vessels and effects by whomsoever taken.

ART. 6. Each party shall endeavor, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects, which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects.

Citizens & subjects, vessels & effects, not liable to embargo, or detention for any military expedition, &c. by either party.

Arrests, &c. for debts and offences, to take place only according to law.

ART. 7. And it is agreed, that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever And in all cases of seizure, detention, or arrest, for debts contracted, or offences committed, by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both

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ART. 5. Las dos altas partes contratantes procurarán por todos los medios posibles mantener la paz, y buena armoniá entre las diversas naciones de Indios que habitan los terrenos adyacentes a las lineas y rios que en los articulos anteriores forman los limites de las dos Floridas; y para conseguir mejor este fin se obligan expresamente ambas potencias a reprimir con la fuerza todo genero de hostilidades de parte de las naciones Indias que habitan dentro de la linea de sus respectivos limites: de modo que ni la España permitirá que sus Indios ataquen á los que vivan en el territorio de los Estados Unidos ó á sus ciudadanos, ni los estados que los suyos hostilizen á los subditos de S. M. catolica ó á sus Indios de manera alguna.

Existiendo varios tratados de amistad éntre las expresadas naciones y las dos potencias, se han convenido en no hacer en lo venidero alianza alguna ó tratado, (excepto los de paz,) con las naciones de Indios que habitan dentro de los limites de la otra parte, aunque procurarán hacer comun su commercio en beneficio amplio de los subditos y cuidadanos respectivos, guardandose en todo la reciprocidad mas completa, de suerte que sin los dispendios que han causado hasta ahora dichas naciones á las dos partes contratantes, consignan ambas todas las ventajas que debe producir la armonia con ellas.

ART. 6. Cada una de las dos partes contratantes procurará por todos los medios posibles protexer y defender todos los buques y qualesquiera otros efectos pertenecientes á los subditos y ciudadanos de la otro que se hallen en la extension de su jurisdiccion por mar ó por tierra, y empleará todos sus esfuerzos para recobrar y hacer restituir á los proprietarios legitimos les boques y efectos que se les hayan quitado en la extension de dicha jurisdicion, estén ó no en guerra con la potencia, cuyos subditos hayan interceptado dichos efectos.

ART. 7. Se ha convenido que los subditos y ciudadanos de una de las partes contratantes, sus buques ó efectos no podran sugetarse á ningun embargo ó detencion de parte de la otra, á causa de alguna expedicion militar, uso publico ó particular de qualquiera que sea. Y en los casos de aprehension detencion ó arresto, bien sea por deudas contrahidas ó ofensas cometidas por algun ciudadano ó subdito de una de las partes contratantes en la jurisdicion de la otra, se procederá unicamente por orden y autoridad de la justicia, y segun los tramites ordinarios seguidos en semejantes casos. Se permitirá a

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parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

Citizens and subjects of either party allowed to employ such advocates, &c. in the trial causes, as they judge proper, &c.

Art. 8. In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads or ports, belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection, and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the subsistance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Vessels of either party, forced by stress of weather, &c., into the ports &c. of the other, to be received with kindness, allowed to refresh, and freely to depart.

Art. 9. All ships and merchandise of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

Property taken from pirates to be restored to the true owner on proof.

Art. 10. When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coast or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: and if the operations of repair should require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees, on the part which they shall relade and carry away.

In case of wrecks, &c. each party to afford the other the same assistance it would give to its own citizens or subjects under similar circumstances, &c.

Art. 11. The citizens and subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whe-

Right of devise, donation, and of inheritance with respect to personal goods, secured to the citizens or sub-

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los ciudadanos y subditos de ambas partes emplear los abogados, procuradores, notarios, agentes ó factores que juzguen mas á proposito en todos sus asuntos y en todos los pleytos qué podrán tener en los tribunales de la otro parte, á los quales se permitirá igualmente el tener libre acceso en las causas, y estár presentes á todo exámen y testimonios que podran ocurrir en los pleytos. 1795. October 27.

Art. 8. Quando los subditos y habitantes de la una de las dos partes contratantes con sus buques, bien sean publicos ó de guerra, bien particulares ó mercantiles se viesen obligados por una tempestad, por escapar de piratas ó de enemigos, ó por qualquiera otra necesidad urgente á buscar refugio y abrigo en alguno de los rios, bahias, radas, ó puertos de una de las dos partes, seran recibidos y tratados con humanidad, y gozaran de todo fabor, proteccion, y socorro, y les será licito proveerse de refrescos, viveres, y demas cosas necesarias para su sustento, para componer sus buques, y continuar su viage, todo mediante un precio equitativo; y no se les detendrá ó impedira de modo alguno el salir de dichos puertos ó radas, antes bien podran retirarse y partir como quando les pareciere sin ningun obstaculo ó impedimento.

Art. 9. Todos los buques y mercaderias de quelquiera naturaleza que sean, que se hubiesen quitado a algunos piratas en alta mar y se traxesen á algun puerto de una de las dos potencias, se entregaran alli á los oficiales ó empleados en dicho puerto; á fin de que los guarden y restituyan integramente a su verdadero proprietario luego que hiciese constar debida y plenamente que era su legitima propiedad.

Art. 10. En el caso de que un buque perteneciente á una de las dos partes contratantes naufragase, varase, ó sufriese alguna averia en las costas ó en los dominios de la otra, se socorrera a los subditos ó ciudadanos respectivos, asi á sus personas como á sus buques y efectos, del mismo modo que se haria con los habitantes del pais donde suceda la desgracia, y pagarán solo las mismas cargas y derechos que se hubieran exígido de dichos habitantes en semejante caso. Y si fuese necessario para componer el buque que se descargue el cargamento en todo ó en parte, no pagarán impuesto alguno, cargá, ó derecho de lo que se buelva á embarcar para ser exportado.

Art. 11. Los ciudadanos ó subditos de una de las dos partes contratantes tendran en los estodos de la otra la libertad de disponer de sus bienes personales bien sea por testamento, donacion, ó otra manera, y si sus herederos fuesen subditos ó ciudadanos de la otra parte contratante, sucederán en sus

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jects of each party, in the dominions of the other, &c. in the absence If a, claimant, goods to be in the custody of the law of the land, by which all disputes concerning them are to be finally decided.

ther by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

Aliens, citizens or subjects, of either party allowed to dispose of real estate descending to them in the dominions of the other, &c.

And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of *détraction* on the part of the government of the respective states.

Merchant ships of one party, making for a port of an enemy of the other, obliged to exhibit passports and certificates, &c.

ART. 12. The merchant ships of either of the parties, which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds for suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

In case of war between the parties, one year, after proclamation of it, allowed to citizens and subjects respectively, to settle their affairs, &c.

ART. 13. For the better promoting of commerce on both sides, it is agreed, that if a war should break out between the said two nations, one year, after the proclamation of war, shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandises: and if any thing be taken from them, or any injury be done them within that term by either party, or the people or subjects of either, full satisfaction shall be made for the same by the government.

No subject of Spain to take a commission from a third power with whom the U. States are at war, to cruise against the citizens, &c. of the latter.

ART. 14. No subject of his catholic majesty shall apply for, or take any commission or letters or marque, for arming any ship or ships to act as privateers against the said United States, or against the citizens, people or inhabitants, of the said United States, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war.

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bienes ya sea en virtud de testamento ó *ab intestato*, y podran tomar posesion, bien en persona, ó por medio de otros que hagan sus veces, y disponer como les pareciere sin pagar mas derechos que aquellos que deben pagar en caso semejante los habitantes del pais donde se verificase la herencia.

Y si estubiesen ausentes los herederos se cuiderá de los bienes que les hubiesen tocado, del mismo modo que se hubiera hecho en semejante ocasion con los bienes de los naturales del pais, hasta que el legitimo propietario haya aprobado las disposiciones para recoger la herencia. Si se suscitasen disputas entre diferentes competidores que tengan derecho á la herencia, serán terminadas en ultima instancia segun las leyes, y por los jueces del pais en que vacase la herencia. Y si por la muerte de alguna persona que poseyese bienes raices sobre el territorio de una de las partes contratantes, estos bienes raices llegasen á pasar segun las leyes del pais á un subdito ó ciudadano de la otra parte, y este por su calidad de extrangero fuese inhabil para poseherlos, obtendrá un termino conveniente para venderlos y recoger su producto sin obstaculo, esento de tode derecho de retencion departe del gobierno de los estados respectivos.

Art. 12. A los buques mercantes de las dos partes que fuesen destinados á puertos pertenecientes á una potencia énemiga de una de las dos, cuyo viage y naturaleza del cargamento diese justas sospechas, se les obligará a presentar bien sea en alta mar, bien en los puertos y cabos, no solo sus pasaportes sino tambien los certificados que probaran expresamente que su cargamento no es de la especie de los que están prohibidos como de contrabando.

Art. 13. A fin de faborecer el comercio de ambas partes, se ha convenido que en el caso de romperse la guerre entre las dos naciones, se consederá el termino de un año despues de su declaracion, a los comerciantes en las villas y ciudades que habitan, para juntar y transportar sus mercaderias, y si se les quitase alguna parte de ellas, ó hiciese algun daño durante el tiempo prescrito arriba por una de las dos potencias sus pueblos ó subditos, se les dará en este punto entera satisfaccion por el gobierno.

Art. 14. Ningun subdito de S. M. catolica tomará encargo ó patente para armar buque ó buques que obren como corsarios contra dichos Estados Unidos, ó contra las ciudadanos pueblos y habitantes de los mismos, ó contra su propriedad ó la de los habitantes de alguno de ellos de qualquier principe que sea con quien estubieren en guerra los Estados Unidos.

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Nor any American citizen to take a commission from a power with which Spain is at war, to cruise against the persons and property of Spaniards.

Nor shall any citizen, subject or inhabitant, of the said United States, apply for, or take, any commission, or letters of marque for arming any ship or ships to act as privateers against the subjects of his catholic majesty, or the property of any of them, from any prince or state with which the said king shall be at war. And if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

Offenders to be punished as pirates.

Free trade allowed with an enemy.

ART. 15. It shall be lawful for all and singular the subjects of his catholic majesty, and the citizens, people, and inhabitants, of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be at enmity with his catholic majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises aforementioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince or under several; and it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that although they be enemies, to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

And from one enemy port to another enemy port, either directly or indirectly.

Free ships to make free goods.

Contraband goods excepted.

Free ships to protect persons unless they are soldiers in the actual service of an enemy.

Specification of contraband.

ART. 16. This liberty of navigation and commerce, shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended, arms, great guns, bombs with the fuses, and the other things belonging to them, cannonball, gunpowder, match,

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Ygualmente ningun ciudadano ó habitante de dichos Estados Unidos pedirá ó acceptará encargo ó patente para armar algun buque ó buques con el fin de perseguir los subditos de S. M. catolica, ó apoderarse de su propiedad, de qualquier principe ó estado que sea con quien estuviere en guerra S. M. catolica. Y si algun individuo de una ó de otra nacion tomase semejantes encargos ó patentes será castigado como pirata.

Art. 15. Se permitirá á todos y à cada uno de los subditos de S. M. catolica, y á los ciudadanos pueblos y habitantes de dichos Estados, que puedan navegar con sus embarcaciones con toda libertad, y seguridad sin que haya la menor excepcion por este respeto, aunque los propietarios de las mercaderias cargadas en las referidas embarcaciones vengan del puerto que quieran, y las traygan destinadas á qualquiera, plaza de una potencia actualmente enemiga ó que lo sea despues, asi de S. M. catolica como de los Estados Unidos. Se permitirá igualmente a los subditos y habitantes mencionados navegar con sus buques y mercaderias, y frequentar con igual libertad y seguridad las plazas y puertos de las potencias enemigas de las partes contratantes, ó de una de ellas sin oposicion ó obstaculo, y de comerciar no solo desde los puertos de dicho enemigo á un puerto neutro directamente, si no tambien desde uno enemigo á otro tal, bien se encuentre baxo su jurisdicion, ó baxo la de muchos; y se estipula tambien por el presente tratado que los buques libres aseguraran igualmente la libertad de las mercaderias, y que se juzgarán libres todos los efectos que se hallasen á bordo de los buques que perteneciesen á los subditos de una de las partes contratantes, aun quando el cargamento por entero ó parte de el fuese de los enemigos de una de las dos, bien entendido sin embargo que el contrabando se exceptua siempre. Se ha convenido asi mismo que la propia libertad gozaran los sugetos que pudiesen encontrarse á bordo del buque libre, aun quando fuesen enemigos de una de las dos partes contratantes; y por lo tanto no se podrá hacerlos prisioneros ni separar los de dichos buques á menos que no tengan la qualidad de militares, y esto hallandose en aquella sazon empleados en el servicio del enemigo.

Art. 16. Esta libertad de navegacion y de comercio debe extenderse á toda especie de mercaderias exceptuando solo las que se comprehenden baxo el nombre de contrabando, ó de mercaderias prohibidas, quales son las armas, cañones, bombas con sus mechas, y demas cosas pertenecientes á lo mismo, balas, polvora, mechas, picas, espadas, lanzas, dardos,

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pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, musquets, musquet ball, bucklers, helmets, breast plates, coats of mail, and the like kinds of arms proper for arming soldiers, musquet rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow, shall not be reckoned among contraband or prohibited goods, that is to say: all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined; tin, iron, latten, copper, brass, coals; as also, wheat, barley, and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese, and butter, beer, oils, wines, sugars, and all sorts of salts: and, in general, all provisions which serve for the sustenance of life: furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors, also ships' masts, planks, and wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband; much less, such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods: as likewise, all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods: so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested. And, except the cases in which any ship of war, or squadron, shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship of war belongs, may pay for the articles so taken, according to the price thereof, at the port to which they may appear to have been destined by the ship's papers: and the two contracting parties engage, that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries. That they will immediately pay the value of the

Discrimination as to articles not contraband.

Entire freedom of commerce in articles not contraband, except to blockaded places.

Public ships of either party, in distress at sea allowed to supply their vessels with necessaries from the cargoes or merchant vessels of the other, giving receipts for the same, for the purpose of payment, &c.

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alabardas, morteros, petardos, granadas, salitre, fusiles, balas, escudos, casquetes, corazas, cotas de malla, y otras armas de esta especie propias para armar á los soldados, portamosquetes, bandoleras, caballos con sus armas, y otros instrumentos de guerra sean los que fueren. Pero los generos y mercaderias que se nombrarán ahora, no se comprehenderán entre los de contrabando ó cosas prohibidas, á saber: toda especie de paños y qualesquiera otras telas de lano, lina, seda, algodon, ó otras qualesquiera materias, toda especie de vestidos con las telas de que se acostumbran hacer, el oro y la plata labrada en moneda ó no, el estaño, hierro, laton, cobre, bronce, carbon, del mismo modo que la cevada, el trigo, la avena, y qualquiera otro genero de legumbres. El tabaco y toda la especieria, carne salada y ahumada, pescado salado; queso y manteca, cerbeza, aceytes, vinos, azucar, y toda especie de sal, y en general todo genero de provisiones que sirven para el sustento de la vida. Ademas toda especie de algodon, cañamo, lino, alquitran, pez, cuerdas, cables, velas, telas para velas, ancoras, y partes de que se componen. Mastiles, tablas, maderas de todas, especies, y qualesquiera otras cosas que sirvan para la construccion y reparacion de los buques, y otras qualesquiera materias que no tienen la forma de un instrumento preparado para la guerra por tierra ó por mar, no serán reputadas de contrabando, y menos las que están ya preparadas para otros usos. Todas las cosas que se acaban de nombrar deben ser comprehendidas entre las mercaderias libres, lo mismo que todas las demas mercaderias y efectos que no estan comprehendidos y nombrados expresamente en la enumeracion de los generos de contrabando, de manera que podran ser transportados y conducidos con la mayor libertad por los subditos de las dos partes contratantes á las plazas enemigas, exceptuando sin embargo las que se hallasen en la actualidad sitiadas, bloqueadas, ó embestidas, y los casos en que algun buque de guerra ó esquadra que por efecto de averia, ó otras causas se halle en necesidad de tomar los efectos que conduzca el buque ó buques de comercio, pues en tal caso podra detenerlos para aprovisionarse, y dar un récibo para que la potencia cuyo sea el buque que tome los efectos los pague segun el valor que tendrian en el puerto adonde se dirigiese el propietario, segun lo expresen sus cartas de navegacion: obligandose las dos partes contratantes a no detener los buques mas de lo que sea absolutamente necesario para aprovisionarse, pagar inmediatamente los recibos, y indemnizar todos los

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receipts. and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

One of the parties being engaged in war, the vessels of the other must be furnished with sea letters or passports, &c.

ART. 17. To the end that all manner of dissentions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto, should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party, must be furnished with sea letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form* annexed to this treaty They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

[* The form of this passport, after diligent search, cannot be found in the department of state, and is not annexed to the original treaty.]

Ships that are laden, to be provided also with certificates, &c. in the accustomed form.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as abovementioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificate, the person to whom the goods on board belong, he may freely do so, without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

Vessels not being furnished with passports and certificates, may be condemnedas prize unless equivalent proof of property be furnished.

Vessels of war of either party, visiting merchantmenof the other under the right of search to remain out of cannon shot, & board, in a boat, with two or three men only.

ART. 18. If the ships of the said subjects, people or inhabitants, of either of the parties, shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship, which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have showed such passport, shall be free and at liberty to pur-

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daños que sufra el propietario à consequencia de semejante suceso. 1795. October 27.

ART. 17. A fin de evitar entre ambas partes toda especie de disputas y quejas, se ha convenido que en el caso de que una de las dos potencias se hallase empeñado en una guerra, los buques y bastimentos pertenecientes á los subditos ó pueblos de la otra, deberán llevar consigo patentes de mar ó pasaportes que expresen el nombre, la propiedad, y el porte del buque, como tambien el nombre y morado de su dueño y comandante de dicho buque, para que de este modo conste que pertenece real y verdaderamente a los subditos de una de las dos partes contratantes; y que dichos paseportes deberán expedirse segun el modelo adjunto al presente tratado. Todos los años deberán renovarse estos paseportes en el caso de que el buque buelva a su pais en el espacio de un año.

Igaulmente se ha convenido en que los buques mencionados arriba, si estuviesen cargados, deberan llevar no solo los pasaportes sino tambien certificados que contengan el pormenor del cargamento, el lugar de donde ha salido el buque, y la declaracion de las mercaderias de contrabando que pudiesen hallarse á bordo; cuyos certificados deberan expedirse en la forma acostumbrada por los oficiales empleados en el lugar de donde el navio se hiciese a la vela, y si se juzgase util y prudente expresar en dichos pasaportes la persona proprietaria de las mercaderias se podra hacer libremente, sin cuyos requisitos será conducido á uno de los puertos de la potencia respectiva, y juzgado par el tribunal competente, con arreglo á lo arriba dicho, para que exáminadas bien las circunstancias de su falta, sea condenado por de buena presa si no satisfaciese legalmente con los testimonios equivalentes en un todo.

ART. 18. Quando un boque perteneciente á los dichos subditos peublos y habitantes de una de las dos partes fuese encontrado navegando á lo largo de la costa ó en plena mar por un buque de guerra de la otra ó por un corsario, dicho buque de guerra ó corsario, á fin de evitar todo desorden, se mantendrá fuera del tiro de cañon, y podrá enviar su chalupa á bordo del buque mercante, hacer entrar en el dos ó tros hombres à los quales enseñara el patron ó comandante del buque su pasaporte y demas documentos, que deberan ser conformes à lo prevenida en el presente tratado, y probara la propriedad del buque; y despues de haber exhíbido semejante pasaporte y documentos, se les dejará seguir libremente su viage, sin

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sue her voyage, so as it shall not be lawful to molest or give her chase in any manner or force her to quit her intended course.

Each party permitted to establish consuls in the ports of the other, &c.

ART. 19. Consuls shall be reciprocally established with the privileges and powers which those of the most favored nations enjoy, in the ports where their consuls reside, or are permitted to be.

Free access allowed, for the purposes of justice, for the citizens or subjects of each party, to the courts within the dominions of the other.

ART. 20. It is also agreed, that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

Differences occasioned by losses sustained by American citizens, from Spanish captures, to be referred for decision to commissioners.

ART. 21. In order to terminate all differences on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of his catholic majesty, during the late war between Spain and France, it is agreed, that all such cases shall be referred to the final decision of commissioners, to be appointed in the following manner: his catholic majesty shall name one commissioner, and the president of the United States, by and with the advice and consent of their senate, shall appoint another, and the said two commissioners shall agree on the choice of a third, or if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners; and the person whose name shall be so drawn, shall be the third commissioner: and the three commissioners so appointed, shall be sworn *impartially to examine and decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations.* The said commissioners shall meet and sit at Philadelphia: and in case of the death, sickness, or necessary absence of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as

The three commissioners to be sworn.

To sit at Philadelphia.

Vacancies to be supplied in the manner of the first appointments.

Duties of the commissioners.

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que les sea licito el molestarle ni procurar de modo alguno darle caza, ó obligarle á dejar el rumbo que seguia. 1795. October 27.

ART. 19. Se establecerán consules reciprocamente con los privilegois y facultades que gozaren los de las naciones mas faborecidas en los puertos donde los tubieren estas ó les sea licito el tenerlos.

ART. 20. Se ha convenido igualmente que los habitantes de los territorios de una y otra parte respectivamente seran admitidos en los tribunales de justicia de la otra parte, y les será permitido el entabler sus pleytos para el recobro de sus propriedades, pago de sus duedas, y satisfaccion de les daños que hubiesen recibido bien sean las personas contra las quales se quejasen subditos ó cuidadanos del pais en el que se hallen: ó bien sean qualesquiera otros sugetos que se hayan refugiado allí; y los pleytos y sentencias de dichos tribunales seran las mismas que hubieran sido en el caso de que las partes litigantes fuesen subditos ó ciudadanos del mismo pais.

ART. 21. A fin de concluir todas las disensiones sobre las pérdidas que los cuidadanos de los Estados Unidos hayan sufrido en sus buques y cargamentos apresados por los vasallos de S. M. cotolica durante la guerra que se acaba de finalizar entre España y Francia, se ha convenido que todos estos casos se determinaran finalmente por comisarios que se nombrarán de esta manera. S. M. catolica nombrará uno, y el presidente de los Estados Unidos otro con consentimiento y aprobacion del senado, y estos dos comisarios nombrarán un tercero de comun acuerdo: pero si no pudieren acordarse, cada uno nombrarà una persona, y sus dos nombres puestos en suerte se sacarán a presencia de los dos comisarios, resultando por tercero aquel cuyo nombre hubiese salido el primero. Nombrados asi estos tres comisarios jurarán que exáminaràn y decidirán con imparcialidad las quejas de que se trata, segun el merito de la diferencia de los casos, y segun dicten la justicia, equidad, y derecho de gentes. Dichos comisarios se juntarán y tendran sus sesiones en Philadelfia, y en caso de muerte, enfermedad, ó ausencia precisa de alguno de ellos, se reemplazará su plaza de la misma manera que se eligió, y el nuevo comisario hará igual juramento y exercera iguales funciones. En el termino de 18 meses contados desde el dia en que se junten admitirán todas las quejas y reclamaciones autorizadas por este articulo. Asi mismo tendran autoridad para exáminar baxo la sancion del juramento a todas las personas que ocurran ante ellos sobre puntos relativos á dischas quejas,

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Their powers.

come before them, on oath or affirmation, touching the complaints in question; and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and his catholic majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions, as shall be awarded by the said commissioners.

The award of any two of the commissioners to be final. The amount of awards to be paid in specie, &c.

The existing good correspondence and friendship to be strengthened by future extension and favor to the mutual commerce of the parties.

ART. 22. The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will, in future, give to their mutual commerce all the extension and favor which the advantages of both countries may require.

In consequence of the stipulations of the 4th article, (see page 392,) the citizens of the U. States are allowed to deposite their merchandise and effects in the port of New Orleans &c. for the space of teree years, &c.

And, in consequence of the stipulations contained in the fourth article, his catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and his majesty promises either to continue this permission, if he finds, during that time, that it is not prejudicial to the interests of Spain; or, if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment. (S.)

Ratifications to be exchanged in six months.

ART. 23. The present treaty shall not be in force until ratified by the contracting parties, and ratifications shall be exchanged in six months from this time, or sooner, if possible

In witness whereof, we, the underwritten plenipotentiaries of his catholic majesty, and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals respectively.

Done at San Lorenzo el Real, this seven and twentieth day of October, one thousand seven hundred and ninety-five.

THOMAS PINCKNEY, [L. S.]
EL PRINCIPE DE LA PAZ. [L. S.]

NOTE.—Ratified on the 3d of March, 1796.

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y recibiran como evidente todo testimonio escrito que de tal manera sea autentico que ellos lo juzguen digno de pedirse ó admitirse. La decision de dichos comisarios, ó de dos de ellos, será final y concluyente, tanto por lo que toca á la justicia de la queja, como por lo que monte la suma que se deba satisfacer á los demandantes, y S. M. catolica se obliga a hacer las pagar en especie, sin rebaja y en las epocas, lugares, y baxo las condiciones que se decidan por los comisarios.

Art. 22. Esperando las dos altas partes contratantes que la buena correspondencia y amistad que reyna actualmente entre si se estrechará mas y mas con el presente tratado, y que contribuirá á aumentar su prosperidad y opulencia, concederán reciprocamente en lo succesivo al comercio todas las ampliaciones ó fabores que exigiese la utilidad de los dos paises.

Y desde luego á consequencia de lo estipulado en el articulo 4, permitirá S. M. catolica por espacio de tres años á los ciudadanos de los Estados Unidos que depositen sus mercaderias y efectos on el puerto de Nueva Orleans, y que las extraigan sin pagar mas derechos que un precio justo por el alquiler de los almacenes, ofreciendo S. M. continuar el termino de esta gracia, si se experimentase durante aquel tiempo que no se prejudicial á los intereses de la España, ó si no conveniese su continuacion an aquel puerto, proporcionará en otra parte de las orillas del rio Misisipi un igual establecimiento.

Art. 23. El presente tratado no tendrá efecto hasta que las partes contratantes le hayan ratificado; y las ratificaciones se cambiaran en el termino de seis meses; ó antes, si fuere posible contando desde este dia.

En fé de lo qual, nosotros, los infraescriptos plenipotenciarios de S. M. catolica, y de los Estados Unidos de America, hemos firmado en vertud de nuestros plenos poderes este tratado de amistad, limites, y navegacion, y le hemos puesto nuestros sellos respectivos.

Hecho en San Lorenzo el Real, a veinte y siete de Octubre, de mil setecientos noventa y cinco.

THOMAS PINCKNEY, [L. S.]
EL PRINCIPE DE LA PAZ, [L. S.]

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(1) On the 24th of May, 1796, in conformity with this stipulation, Andrew Ellicott was appointed commissioner, and Thomas Freeman surveyor, on the part of the United States, for the purpose of running the boundary line mentioned in the second article of the treaty. Mr. Ellicott published his journal at large in the year 1803.

(2) According to the definitive treaty of peace between the United States and Great Britain, (see No. 2, art. 8, page 211,) "the navigation of the river Mississippi from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States." Whatsoever right his catholic majesty had to interdict the free navigation of the Mississippi to any nation, at the date of the treaty of San Lorenzo el Real, (the 27th of October, 1795,) that right was wholly transferred to the United States in virtue of the cession of Louisiana from France by the treaty of Paris, of the 30th April, 1803. See No. 6, art. 1, pages 109–110. And as the definitive treaty of peace with Great Britain was concluded previously to the transfer to the United States of the right of Spain to the dominion of the river Mississippi, and, of course, prior to the United States' possessing the Spanish right, it would seem that the stipulation contained in the 8th article of the definitive treaty with Great Britain, as quoted, could not have included any greater latitude of navigation on the Mississippi, than that which the United States were authorized to grant on the 3d of September, 1783. The additional right of sovereignty, which was acquired over the river, of the cession of Louisiana, was *paid for* by the American Government; and, therefore, any extension of it to a foreign power could scarcely be expected without an equivalent.

(3) The fourth article here alluded to, as the consideration for granting the right of deposite to American citizens of New Orleans, fixes the western boundary line between the United States and the Spanish province of Louisiana. In the year 1803, the Spanish intendant at New Orleans having shut the citizens of the United States out from this deposite, without assigning any equivalent establishment elsewhere, the act was highly resented. Representations however, were made by the American executive to the government of Spain, and the deposite was restored. But the purchase of Louisiana, in 1803, put an end to further anxiety on the subject.

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1802.
August 11.

No. 2.—*A Convention between his Catholic Majesty and the United States of America, for the indemnification of those who have sustained losses, damages, or injuries, in consequence of the excesses of individuals, of either nation, during the late war, contrary to the existing treaty or the laws of nations.*

Convention of Indemnification Madrid, 11th August, 1802.

His Catholic Majesty and the government of the United States of America, wishing amicably to adjust the claims which have arisen from excesses committed during the late war, by individuals of either nation, contrary to the laws of nations or the treaty existing between the two countries: his Catholic Majesty has given, for this purpose, full powers to his excellency Don Pedro Cevallos, counsellor of state, gentleman of the bed chamber in employment, first secretary of state and universal despatch, and superintendent general of the posts and post offices in Spain and the Indies; and the government of the United States of America to Charles Pinckney, a citizen of the said states, and their minister plenipotentiary near his Catholic Majesty; who have agreed as follows:

The parties wish to adjust claims amicably.

Deseando su Magestad Catolica y el gobierno de los Estados Unidos de America, ajustar amistosamente las demandas que han ocasionado los excesos cometidos durante la ultima guerra por individuos de una y otra nacion, contra el derecho en gentes ó el tradado existente entre los dos paises; ha dado su Magestad Catolica plenos pode res á este efecto á Don Pedro Cevallos, se Consejero de Estado, gentilhombre de camara con exercicio, primer secretario de estado y del despacho universal, superintendente general de correos y postas de España é Indias; y el gobierno de los Estados Unidos de America á Don Carlos Pinkney, ciudadano de dichos estados y su ministro plenipotenciario cerca de su Magestad Catolica, quienes han convenido en lo siguiente:

Negotiated by Pedro Cevallos and Charles Pinckney.

1. A board of commissioners shall be formed, composed of five commissioners, two of whom shall be appointed by his Catholic Majesty, two others by the government of the United States and the fifth bycommon consent; and in case they should not be able to agree on a person for the fifth commis-

A board of five commissioners.

1°. Se formará una junta compuesta de cinco vocales de los quales, dos serán nombrados por su Magestad Catolica, otros dos por el gobierno de los Estados Unidos, y el quinto de comun consentimiento; y en el caso de no poderse convenir en el sugeto para quinto vocal, nombrará uno ca-

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1802. August 11.

sioner, each party shall name one, and leave the decision to lot: And hereafter, in case of the death, sickness, or necessary absence, of any of those already appointed, they shall proceed in the same manner, to the appointment of persons to replace them.

Commissioners to take an oath.

2. The appointment of the commissioners being thus made, each one of them shall take an oath to examine, discuss, and decide, on the claims, which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate.

Commissioners to meet and sit at Madrid, receive claims, &c

3. The commissioners shall meet and hold their sessions in Madrid, where, within the term of eighteen months, (to be reckoned from the day on which they may assemble) they shall receive all claims, which, in consequence of this convention, may be made, as well by the subjects of his Catholic Majesty as by the citizens of the United States of America, who may have a right to demand compensation for the losses, damages, or injuries, sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens.

The commissioners may examine every question on oath.

4. The commissioners are authorized by the said contracting parties, to hear and examine, on oath, every question relative to the said demands, and to receive, as worthy of credit, all testimony, the authenticity of which cannot reasonably be doubted.

No appeal from the commissioners; and the agreement of three of them conclusive.

5. From the decisions of the commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of the claims, as to the amount of the indemnification which may be adjudged to the claimants; the said contracting

Awards to be paid in specie.

parties obliging themselves to satisfy the said awards in specie, without deduction, at the times and places pointed out, and under the conditions which may be expressed by the board of commissioners.

Rights founded on claims originating from excesses of foreign cruisers reserved by each

6. It not having been possible for the said plenipotentaries to agree upon a mode by which the above mentioned board of commissioners should arbitrate the claims originating from the excesses of foreign cruisers, agents, consuls, or tribunals, in their respective territories, which might be imputable to their two governments, they have expressly agreed that each government shall reserve (as it does by this convention) to itself, its subjects or citizens, respectively, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them.

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de parte dexando la eleccion entre los dos a la suerte, y se procederá en la miama forma en adelante al nombramiento ulterior de los sugetos que reemplazaren á los que actualmente lo son en los casos de muerte, enfermedad ó precisa ausencia. 1802. August 11.

2°. Hecho asi el nombramiento prestará cada uno de los vocales el juramento de examinar, discutir, y sentenciar las demandas sobre que juzgaren con arreglo al derecho de gentes y tratado existente, y con la imparcialidad que dicta la justicia.

3°. Residerán los vocales y celebrerán las juntas en Madrid, en donde en el perfixo termino de diez y ocho meses, contados desde el dia en que se junten, admitirán todas las demandas que á consequencia de esta convencion hicieren tanto los vasallos de su Magestad Catolica cpmo los ciudadanos de los Estados Unidos de America, que tuviren derecho á reclamar perdidas, daños y perjuicios, en consequencia de los excesos cometidos por Españoles y ciudadanos de dichos Estados durante la ultima guerra contra el derecho gentes y tratado existente.

4°. Se autoriza por dichas partes contratantes á los vocales para oir y examinar baxo la sancion del juramento qualezquiera puntos concernientos á las referidas demandas y á recibir como digno de fé todo testimonio de cuya autenticidad no puede dudarse con fundamento.

5°. Bastara el acuerdo de tres vocales para que sus sentencias tengan fuerza de irrevocables y sin apelacion tanto por lo que respecta á la justicia de las demandas, como por lo que hace á las cantidades que se adjudicaren por indemnizacion á los demandantes; pues se obligan las partes contratantes á satisfacer las en especie, sin rebaxa, en las epocas y parages señalados, y baxo las condiciones que se expresaren en las sentencias de la junta.

6°. No haviendo sido posible ahora á dichos plenipotenciarios convenirse en el modo de que la referida junta arbitrase las reclamaciones originadas en consequencia de los excesos de los corsarios, agentes, consules, ó tribunales, extrangeros, en los respectivos territorios, que fueren imputables á los dos gobiernos: se han convenido expresamente en que cada gobierno se reserve, como por esta Convencion se hace, para si, sus vasallos y ciudadanos respectivamente, todos los derechos que ahora les asistan, y en que promuevan en adelante sus reclamciones en el tiempo que les acomodare.

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1802. August 11.

7°. La presente Convencion no tendrá ningun valor ni efecto hasta que se haya ratificada por las partes contrrtantes, y se cangearon las ratificaciones lo mas pronto que sea posible.

En fé de lo qual, nosotros los infrascriptos Plenipotenciarios, hemos firmado esta Convencion y hemos puesto nuestros sellos respectivos.

Hecho en Madrid; a 11 de Agosto, de 1802.

[L. S.] PEDRO CEVALLOS.
[L. S.] CHARLES PINCKNEY.

By the President of the United States. A Proclamation.

Treaty of Washington, 22d Feb. 1819.

Whereas, a treaty of amity, settlement and limits, between the United States of America and his catholic majesty, was concluded and signed, between their plenipotentiaries in this city, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, which treaty, word for word, is as follows:

[ORIGINAL.]

No. 3.—*Treaty of Amity, Settlement, and Limits, between the United States of America and his Catholic Majesty.*

Mutual desire to consolidate friendship, &c.

The United States of America, and his Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions by a treaty, which shall designate with precision, the limits of their respective bordering territories in North America.

John Quincy Adams and Luis De Onis, Negotiators.

With this intention the president of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and his catholic majesty has appointed the most excellent lord Don Luis de Onis,

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7. The present Convention shall have no force or effect until it be ratified by the contracting parties, and the ratification shall be exchanged as soon as possible.

1802. August 11.

Convention effective on exchange of ratifications. [*Ratifications exchanged at Washington, on the 21st Dec. 1818.]

In faith whereof, we, the underwritten Plenipotentiaries, have signed this Convention, and have affixed thereto our respective seals.

Done at Madrid, this 11th day of August, 1802.

[L. S.] PEDRO CEVALLOS,
[L. S.] CHARLES PINCKNEY.

NOTE.—Ratified, by the President and Senate, on the 9th Jan. 1814; and by the king of Spain on the 9th July, 1818.

[Annulled. See the 10th article of the next succeeding treaty, page 423.]

[ORIGINAL.]

DN. FERNANDO SEPTIMO.

Por la Gracia de Dios, y por la Constitucion de la Monarquia Española, Rey de las Españas.

Por cuanto en el dia veinte y dos de Febrero, del ano proximo passido de mil ocho cientos diez y nueve, se concluyo y firmo en la Ciudad de Washington, entre Dn. Luis de Onis, mi Enviado Extraordinario y Ministro Plenipotenciario, y Dn. Juan Quincy Adams, Secretario de Estado de los Estados Unidos de America, autorizados competentemente por ambas partes, un Tratado compuesto de diez y seis articulos, que tiene por objeto el Arreglo de Diferiencias y de Limites entre ambos Gobiernos y sus respectivos Territorios; cuya forma y tenor literal es el siguiente:

[ORIGINAL.]

Tratado de Amistad, Arreglo de Diferencias, y Limites, entre S. M. Ca. y los Estados Unidos de America.

Deseando S. M. Católica y los Estados Unidos de America consolidar, de un modo permanente, la buena correspondencia y amistad que felizment reyna entre ambas partes, han resuelto transigir, y terminar todas sus diferencias y pretensiones por medio de un Tratado, que fixe, con precision, los limites de sus respectivos y confinantes territorios en la America Septentrional.

Con esta mira, han nombrado, Su M. Ca. al Exmo. Sor. Dn. Luis de Onis, Gonzales, Lopez y Vara, Señor de la Villa de Rayaces, Regidor perpetuo del Ayuntamiento de la Ciudad de Salamanca, Caballero Gran Cruz de la Real Orden Ameri-

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cana de Isabel la Católica, y de la Decoracion del Lis de la Vendea, Cabellero Pensionista de la Real y distinguida Orden Española de Charlos III, Ministro Vocal de la Supreme Asamblea de dicha Rl. Orden, de su Consejo, su Secretario con exercicio de Decretos, y su Enviado Extraordinario y Ministro Plenipotenciario cerca de los Estados Unidos de America: Y el Presidente de los Estados Unidos, à Don Juan Quincy Adams, Secretario de Estado de los mismos Estados Unidos.

Y ambos Plenipotentiarios, despues de haver cangeado sus poderes, han ajustado y firmado los articulos siguientes:

Art. 1. Habrá una paz solida é inviolable y una amistad sincera entre S. M. Ca. sucesores subditos, y los Estados Unidos y sus ciduadanos, sin excepcion de personas ni lugares.

Art. 2. S. M. Ca. cede á los Estados Unidos, en todo propiedad y soberania, todos los territorios que le pertenecen, situados al Este del Misisipi, conocidos baje el nombre de Florida Occidental y Florida Oriental. Son comprehendidos en este articulo las yslas adyacentes dependientes de dichas dos provincias, los sitios, plazas publicas, terrenos valdios, edificios publicos, fortificacionse, casernas y otros edificios, que no sean propiedad de algun individuo particular, los archivos y documentos directamente relativos á la propriedad y soberania de las mismas dos provincias. Dichos archivos y documentos se entregarán á los comisarios ó oficiales de los Estados Unidos debidamente autorizados para recibirlos.

Art. 3. La linea divisoria entre los dos paises al occidente del Misisipi, arrancará del Seno Mexicano, en la embocadura del Rio Sabina, en el Mar, seguirá al Norte por la orilla occidental de este Rio, hasta el grado 32 de latitud; desde, alli por una liena recta al Norte, hasta el grado de latitud en que entra en el Rio Roxo de Natchitochez (Red River,) y continuará por el curso del Rio Roxo al oeste, hasta el grado 100 de longitud occidental de Londres y 23 de Washington; en que cortará este Rio; y seguirá por una liena recta al Norte, por el mismo grado, hasta el Rio Arkansas, cuya orilla meridional, seguirá hasta su nacimiento en el grado 42 de latitud Septentrional; y desde, dicho punto, se tirará una linea recta por el mismo paralelo de latitud, hasta el Mar del Sur. Todo segun el Mapa de los Estados Unidos de Melish, publicado en Philadelphia, y perfecionado en 1818. Pero si el nacimento del

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Gonzales, Lopez y Vara, lord of the town of Rayaces, perpetual regidor of the corporation of the city of Salamanca, knight grand-cross of the royal American order of Isabella the catholic, decorated with the Lys of La Vendee, knight pensioner of the royal and distinguished Spanish order of Charles the Third, member of the supreme assembly of the said royal order, of the council of his catholic majesty; his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America. 1819. February 22.

And the said plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles: Full Powers exchanged.

ART. 1. There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens, and his catholic majesty, his successors and subjects, without exception of persons or places. Firm and inviolable peace and friendship.

ART. 2. His catholic majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States duly authorized to receive them. His Catholic Majesty cedes the Floridas. What is included in the cession.

ART. 3. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or *Red River*; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red river, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being, as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But, if the source of the Ar- Boundary line west of the Mississippi—the Sabine, the Red River, the Arkansas, and latitude 42 degrees north, to the South Sea. According to Melish's Map, 1st Jan. 1818.

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Rio Arkansas se hallese al Norte ó Sur de dicho grado 42 de latitud, seguirá la linea desde el origen de dicho Rio recta al Sur ó Norte, segun fuese necesario, hasta que encuentre el expresado grado 42 de latitud, y desde, alli por el mismo paralelo, hasta el Mar del Sur. Pertenecerán á los Estados Unidos todas las yslas de los Rios Sabina, Roxo de Natchitochez, y Arkansas, en la extension de todo el curso descrito; pero el uso de las aguas; y la navegacion del Sabina hasta el Mar, y de los expresados Rios Roxo y Arkansas, en toda la extension de sus mencionados limites, en sus respectivas orillas, sera comun á los habitantes de laś dos naciones.

Las dos altas partes contratantes convienen en ceder y renunciar todos sus derechos, reclamaciones, y pretensiones, sobre los territorios que se describen en esta linea; á saber, S. M. C. renuncia y cede, para siempre, por si, y á nombre de sus herederos y sucesores, todos los derechos que tiene sobre los territorios al Este y al Norte de dicha linea; y los Estados Unidos, en igual forma, ceden á S. M. Ca. y renuncian. para siempre, todos sus derechos, reclamaciones, y pretensiones, á qualesquiera territorios situados al Oeste y al Sur de la misma linea arriba descrita.

Art. 4. Para fixar esta linea con mas precision y establecer los mojones que señalen con exactitud los limites de ambas naciones nombrará cada una de ellas un comisario y un geómetra, que se juntarán antes del termino de un año, contado desde la fecha de la ratificacion de este Tratado, en Natchitochez, en las orillas del Rio Roxo, y procederán á señalar y demarcar dicha linea, desde la embocadura del Sabina, hasta el Rio Roxo, y de este hasta el Rio Arkansas, y á averiguar con certidumbre, el origen del expresado Rio Arkansas y fixar, segun queda estipulado y convenido en este Tratado, la linea que debe seguir, desde el grado 42 de latitud, hasta el Mar Pacifico. Llevaran diaros y levantarán planos de sus operaciones, y el resultado, convenido por ellos se tendrá por parte de este Tratado, y tendrá la mismo fuerza que si estuviese inserto en el; deviendo convenir amistosamente los dos gobiernos en el arreglo de quanto necesiten estos individuos, y en la escolta respectiva que deban llevar, siempre que se crea necesario.

Art. 5. A los habitantes de todos los territorios cedidos se les conservará el exercicio libre de su religion, sin restriccion alguna, y á todos los que quisieren trasladarse á los dominios Españoles, se les permitirá la venta ó extraccion de sus efectos en qualquiera tiempo, sin que pueda exigirseles en uno ni otro caso derecho alguno.

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kansas river shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the south sea: All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The use of the waters of the Sabine, Red River, and Arkansas common to both countries.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: the United States hereby cede to his catholic majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above described line; and, in like manner, his catholic majesty cedes to the said United States, all his rights, claims, and pretensions, to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

Territorial renunciations corresponding with the Boundary Line.

ART. 4. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year, from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line, from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

A commissioner and surveyor to be appointed by each party, to meet at Natchitoches to run the boundary line.

ART. 5. The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions, shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

Free exercise of religion in the ceded territories, and permission to remove, without duties.

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ART. 6. Los habitantes de los territorios que S. M. Ca. cede por este Tratado á los Estados Unidos, seran incorporados en la union de los mismos estados, lo mas presto posible, segun los principios de la constitucion federal, y admitidos al goce de todos los privilegios, derechos, é inmunidades, de que disfrutan los ciudadanos de los demas estados.

ART. 7. Los oficiales y tropas de S. M. Ca. evacuarán los territorios cedidos á los Estados Unidos seis meses despues del cange de la ratificacion de este tratado, ó antes si fuese posible, y daran posesion de ellos á los oficiales ó comisarios de los Estados Unidos debidamente autorizados para recibirlos: Y los Estados Unidos proveerán los transportes y escolta necesarios para llevar á la Habana los officiales y tropas Españolas, y sus equipages.

ART. 8. Todas las concesiones de terrenos hechas por S. M. Ca. ó por sus legitimas autoridades antes del 24 de Enero, de 1818, en los expresados territorios que S. M. cede á los Estados Unidos, quedarán ratificadas y reconocidas á las personas que esten en posesion de ellas, del mismo modo que lo serian si S. M. hubiese continuado en el dominion de estos territorios; pero los proprietarios que por un efecto de las circumstancias en que se hallado la nacion Española y por las revoluciones de Europa, no hubiesen podido llenar todas las obligaciones de las concesiones, seran obligados á cumplirlas segun las condiciones de sus respectivas concesiones, desda la fecha de este tratado, en defecto de lo qual seran nulas y de ningun valor. Todas las concesiones posteriores al 24 de Enero de 1818, en que fueron hechas las primeras proposiciones de parte de S. M. Ca. para la cesion de las dos Floridas, convienen y declaran las dos altas partes contratantes que quedan anuladas y de ningun valor.

ART. 9. Las dos altas partes contratantes, animadas de los mas vivos deseos de conciliacion, y con el objeto de cortar de raiz todas las discusiones que han existido entre ellas y afianzar la buena armonia que desean mantener perpetuamente, renuncian, una y otra, reciprocamente, á todas las reclamaciones de daños y perjuicios que asi ellas como sus respectivos subditos y ciudadanos hayan experimentado hasta el dia en que se firme este tratado.

La renuncia de los Estados Unidos se extiende á todos los perjuicios mencionados en el Convenio de 11 de Agosto, de 1802.

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ART. 6. The inhabitants of the territories which his Catholic Majesty cedes to the United States, by this Treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities, of the citizens of the United States.

Inhabitants of the ceded territories to be incorporated in the Union, &c.

ART. 7. The officers and troops of his Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this Treaty, or sooner, if possible, by the officers of his Catholic Majesty, to the commissioners or officers of the United States, duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops, and their baggage, to the Havana.

Spanish troops to be withdrawn and possession given within six months after the exchange of ratifications, &c.

United States to furnish transports for the troops, &c. to the Havana.

ART. 8. All the grants of land made before the 24th of January, 1818, by his Catholic Majesty, or by his lawful authorities, in the said territories ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which, the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of his Catholic Majesty, for the cession of the Floridas was made, are hereby declared, and agreed to be, null and void.

Grants of land before 24th Jan. 1818, confirmed &c.

Owners to fulfil certain conditions.

Grants since 24th Jan. 1818, null and void.

ART. 9. The two high contracting parties, animated with most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this Treaty.

Reciprocal renunciation of all claims.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

Claims renounced by the U. States.

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2. A todas las reclamaciones de presas hechas por los Corsarios Franceses, y condenadas por los Consules Franceses dentro del territorio y jurisdiccion de España.

3. A todas las reclamaciones de indemnizaciones por la suspension del derecho de deposito en Neuva Orleans en 1802.

4. A todas las reclamaciones de los ciudadanos de los Estados Unidos contra el gobierno Español, procedentes de presas y confiscaciones injustas asi en la mar como en los puertos y territorios de S. M. en España y sus colonias.

5. A todas las reclamaciones de los ciudadanos de los Estados Unidos contra el gobierno de España, en que se haya reclamado la interposicion del gobierno de los Estados Unidos antes de la fecha de este Tratado, y desde le feche del Convenio de 1802, ó presentadas al Departamento de Estado de esta Republica, ó Ministro de los Estados Unidos en España.

La renuncia de S. M. Ca. se extiende:

1. A todos los perjuicios mencionados en el Convenio de 11 de Agosto. de 1802.

2. A las cantidades que suplió, para la vuelta del Capitan Pike, de las Provincias Internas.

3. A los purjuicios causados por la expedicion de Miranda, aramada y equipada en Neuva York.

4. A todas las reclamaciones de los subditos de S. M. Ca. contra el gobierno de los Estados Unidos, procedentes de presas y confiscaciones injustas asi en la mar como en los puertos y territorios de los Estados Unidos.

5. A todas las reclamaciones de los subditos de S. M. Ca. contra el gobierno de los Estados Unidos, en que se haya reclamado la interposicion del gobierno de España antes de la facha de este Tratado, y desde la facha del Convenio de 1802, ó que hayan sido presentadas al Departamento de Estado de S. M. ó á su Ministro en los Estados Unidos.

Las altas partes contratantes renuncian reciprocamente todos sus derchos á indemnizaciones por qualquirea de los ultimos acontecimientos y transacciones de sus respectivos comandantes y oficiales en las Floridas.

Y los Estados Unidos satisfarán los perjuicios, si los hubiese habido, que los habitantes y oficiales Españolas justifiquen legalmente haber sufrido por las operaciones del Exercito Americano en ellas.

ART. 10. Queda anulado el Convenio hecho entre los dos gobiernos, en 11 de Agosto, de 1802, cuyas ratificaciones fueron congeadas en 21 de Diciembre de 1818.

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2. To all claims on account of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of deposit at New-Orleans, in the year 1802.

4 To all claims of citizens of the United States upon the government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish government, statements of which, soliciting the interposition of the government of the United States, have been presented to the Department of State, or to the Minister of the United States in Spain, since the date of the Convention of 1802, and until the signature of this Treaty.

The renunciation of his Catholic Majesty extends:

Claims renounced by Spain.

1. To all the injuries mentioned in the Convention of the 11th of August, 1802.

2. To the sums which his Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the government of the United States, arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States

Finally, to all the claims of subjects of his Catholic majesty upon the government of the United States, in which the interposition of his Catholic Majesty's government has been solicited, before the date of this treaty, and since the date of the convention of 1802, or which may have been made to the Department of Foreign Affairs of his majesty, or to his minister in the United States.

Renunciation of claims for transactions in the Floridas.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

Satisfaction, by the U. States, for injuries to inhabitants of Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of laws shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida.

Convention of 11th Aug. 1802, annulled. [*See that Convention, page 411.]

ART. 10. The Convention entered into between the two governments, on the 11th of August, 1802,* the ratifications of which were exchanged on the 21st December, 1818, is annulled.

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ART. 11. Los Estados Unidos decargando á la España para lo sucesivo de todas las reclamaciones de sus ciudadanos á que se extienden las renuncias hechas, en este trado, y dandolas por enteramente canceladas, toman sobre si la satisfaccion ó pago de todas ellas hasta la cantidad de cinco millones de pesos fuertes. El Sor. Presidente nombrará, con consentimiento y approbacion del senado, una comision compuesta de tres comisionados, ciudadanos de los Estados Unidos, para averiguar con certieumbre el importe total y justificacion de estas reclamaciones; la qual se reunirá en la ciudad de Washington, y en el espacio de tres años, desde se reunion primera, recibirá, examinaré, y decidirá, sobre el importe y justificacion de todas las reclamaciones arriba expresadas y descritas. Los dichos comisionados prestarán juramento, que se anotará en los quadernos de sus operaciones, para el desempeño fiel y eficaz de sus deberes, y en caso de muerte, efermedad, ó ausencia precisa de alguno de ellos, será reemplazado del mismo modo, ó por el Sor. Presidente de los Estados Unidos, en ausencia del senado. Los dichos comisionados se hallaran autorizados para oir y examinar bajo juramento qualquiera demanda relativa á dichas reclamaciones, y para recibir los testimonios autenticos y convenientes relativos á ellas. El gobierno Español subministrara todos aquellos documentos y aclaraciones que esten en su poder para el ajuste de las expresadas reclamaciones, segun los principios de justicia, el derecho de gentes, y las estipulaciones del tratado entre las dos partes de 27 de Octubre, de 1795, cuyos documentos se especificarán quando se pidan á instancia de dichos comisionadas.

Los Estados Unidos pagarán aquellas reclamaciones que sean admitidas y ajustadas por los dichos comisionados, ó por la mayor parte de ellos, hasta la cantidad de cinco millones de pesos fuertes, sea inmediatamente en su Tesoreria, ó por medio de una creacion de fondos con el interés de un seis por ciento al año, pagaderos de los productos de las ventas de los terrenos valdios en los territorios aqui cedidos á los Estados Unidos, ó de qualquiera otra manera que el congreso de los Estados Unidos ordene por ley.

Se depositarán, despues de concluidas sus transacciones, en el departamento de estado de los Estados Unidos, los quadernos de las operaciones de los dichos comisonados, juntamente con los documentos que se les presenten relativos á las reclamaciones due deben ajustar y decidir; y se entregarán copias de ellos ó de parte de ellos al Gobierno Español, y á

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ART. 11. The United States, exonerating Spain from all demands in future on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of these claims, a commission to consist of three commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the senate, which commission shall meet at the city of Washington, and within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said commissioners shall take an oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence, of any such commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another commissioner in his stead. The said commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims according to the principles of justice, the laws of nations, and the stipulations of the treaty, between the two parties, of 27th October, 1795; the said documents to be specified when demanded, at the instance of the said commissioners.

United States to satisfy claims of their citizens to amount of five millions of dollars.

Three commissioners—

To meet at Washington, & decide upon claims.

Commissioners to take an oath, &c.

In case of sickness, &c. their places may be supplied.

Commissioners may hear & examine on oath, &c.

Spanish govern ment to furnish documents, &c.

The payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their treasury, or by the creation of stock bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the congress of the United States may prescribe by law.

Payment of the claims.

The records of the proceedings of the said commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the department of state of the United States, and copies of them or any part of them, shall be furnished to the

Records of proceedings &c. to be deposited in the department of state.

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peticion de su Ministro en los Estados Unidos, si lo solicitase.

Art. 12. El Tratado de Limites y Navegacion de 1795, queda confirmado en todos y cada uno de sus articulos, excepto los articulos, 2, 3, 4, 21, y la segunda clausula del 22, que habiendo sido alterados por este tratado, ó cumplidos enteramente no pueden tener valor alguno.

Con respecto al articulo 15 del mismo Tratado de Amistad, Limites y Navegacion, de 1795, en que se estipula que la bandera cubre la propiedad, han convenido las dos altas partes contratantes en que esto se entienda asi con respecto á aquellas potencias que reconozcan este principo; pero que, si una de las dos partes contratantes estuviere en guerra con una tercera, y la otra neutral, la bandera de esta neutral cubrirá la propiedad de los enemigos cuyo gobierno reconozca este principio, y no de otros.

Art. 13. Deseando ambas potencias contratantes favorecer el comercio reciproco prestando cada una en sus puertos todos los auxilios convenientes á sus respectivos buques mercantes, han acordado en hacer prender y entregar los marineros que desierten de sus buques en los puertos de la otra, á instancia del consul; quien sin embargo deberá probar que los desertores pertenecen á los buques que los reclaman, manifestando el documento de costumbre en su nacion; esto es, que el Consul Español en puerto Americano exhibirá el roll del buque, y el Consul Americano en puerto Español, el documento conocido bajo el nombre de *Articles;* y constando en uno ú otro el nombre ou nombres del desertor ó desertores que se reclaman, se procederá al arreste, custodia, y entrega al buque á que correspondan.

Art. 14. Los Estados Unidos certifican por el presente que no han recibido compensacion alguna de la Francia por los perjuicios que sufrieron de sus corsarios, consules y tribunales, en las costas y puertos de España, para cuya satisfaccion se provee en este tratado, y presentaran una relacion justificada de las presas hechas, y de su verdadero valor, para que la España pueda servirse de ella en la manera que mas juzgue justo y conveniente.

Art. 15. Los Estados Unidos para dar á S. M. Ca. una prueba de sus deseos de cimentar las relaciones de Amistad que existen entre las dos naciones, y de favorecer el comercio de los subditos de S. M. Ca. convienen en que, los buques Españolos que vengan solo cargados de productos de sus frutos ó manufacturas directamente de los puertos de España ó de

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Spanish government, if required at the demand of the Spanish minister in the United States. 1819. February 22.

ART. 12. The treaty of limits and navigation, of 1795,* remains confirmed in all and each one of, its articles, excepting the 2, 3, 4, 21, and the second clause of the 22d article, which, having been altered by this treaty, or having received their entire execution, are no longer valid. Treaty of 1795 confirmed, with exceptions. [*Page 390.]

With respect to the 15th article of the same treaty of friendship, limits, and navigation, of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those powers who recognise this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose government acknowledge this principle, and not of others. Neutral flag to cover enemies' property only, where the government acknowledges the principle.

ART. 13. Both contracting parties, wishing to favor their mutual commerce by affording in their ports every necessary assistance to their respective merchant vessels, have agreed, that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the consul, who shall prove nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation; that is to say, the American consul in a Spanish port shall exhibit the document known by the name of articles; and the Spanish consul in American ports, the roll of the vessel; and if the name of the deserter or deserters, who are claimed, shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong. Deserters to be delivered up on proof, &c.

ART 14. The United States hereby certify that they have not received any compensation from France, for the injuries they suffered from her privateers, consuls, and tribunals, on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same, in such manner as she may deem just and proper. United States certify that they received no compensation from France for claims provided for in this treaty.

ART. 15. The United States, to give to his catholic majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favor the commerce of the subjects of his catholic majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her co- Spanish vessels laden with Spanish productions, coming direct to Pensacola or St. Augustine, to be admitted without higher du-

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sus colonias, sean admitidos por el espacio, de doce años en los puertos de Panzacola y San Augustin de las Floridas, sin pagar mas derechos por sus cargamentos, ni mayor derecho de tonelage, que el que paguen los buques de los Estados Unidos. Durante este tiempo ninguna nacion tendrá derecho a los mismos privilegios en los territorios cedidos. Los doce años empezaran á contarse tres meses despues de haberse cambiado las ratificaciones de este Tratado.

ART. 16. El presente Tratado sera ratificado en debida forma por las partes contratantes, y las ratificaciones se cangearán en el espacio de seis meses desde osta fecha, ó mas pronto si es possible.

En fé de lo qual nosotros los infrascritos Plenipotenciarios de S. M. Ca., y de los Estados Unidos de America, hemos firmado en virtud de nuestros pederes, el presento Tratado de Amistad, Arreglo de Diferencias, y Limites, y le he hemos puesto nuestros sellos respectivos.

Hecho en Washington, à veinte y dos de Febrero, de mil ochocientos diez y neuve.

[SEAL.] LUIS DE ONIS.
[SEAL.] JOHN QUINCY ADAMS.

Por tanto, haviendo visto y examinado las referidos diez y seis articulos, y habiendo precedido la anuencia y autorizacion de las Cortes Generales de la Nacion, por lo respectivo a la cesion que en los articulos 2° y 3° se menciona y estipula, he venido en aprobar y ratificar todos y cada uno de los referidos articulos y clausulas que en ellos se contiene; y un virtud de la presente los apruebo y ratifico; prometiendo en fé y palabra de Rey, cumplirlos y observalos, y hacer que se cumplan y observen enteramente como si yo mismo los hubiese firmado: sin que sirva de obstaculo en manera alguna la circumstancia de haber transcurrido el termino de los seis meses perfijados para el cange de las ratificaciones en el articulo 16; pues mi deliberado voluntad es que la presenta ratificacion sea tan valida y subsistente y produzca los mismos efectos que si hubiese sido hecha dentro del termino perfijado. Yo deseando al mismo tiempo evitar qualquiera duda ó ambiguedad que pueda ofrecer al contenido del articulo 8°. del referido Tratado, con motivo de la fecha que en el señala como termino para la validacion de las concesiones de tierras en las Floridas, hechas por mi ó por las autoridades competentes en mi real nombre, a cuyo señalamiento de fecha se procedió en la positiva inteligencia de dejar anuladas por su tenor las tres concesiones de tierras hechas a favor del Duque de Alagon, Conde de Puñonrostro, y Dn. Pedro de Vargas; tengo a bien declarar que las referidas tres concesiones han quedado y quedan enteramento anuladas é invalidadas; sin que los tres individuos referidos, ni los que de estos tengan titulo ó causa, puedan aprovecharse de dichas concesiones en tiempo ni manera alguna; bajo cuya explicita declaracion se ha de entender ratificado el referido articulo 8°. En fé de todo lo cual mandé despachar la presente firmada de mi mano, sellada con mi sello secreto, y refrendada por el infrascripto mi Secretario del Despacho de Estado.

Dada en Madrid, a veinte y quatro de Octubre, de mil ochocientos veinte.

[Refren.] EVARISTO PEREZ DE CASTRO. [Sig.] FERNANDO.

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lonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term, no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this Treaty.

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ties than those of the U. States, for 12 years.

ART. 16. The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

[*This privilege to Spanish vessels will expire on the 22d of May, 1833.] Treaty to be ratified, and ratifications exchanged.

In witness whereof, we, the underwritten plenipotentiaries of the United States of America and of his catholic majesty, have signed, by virtue of our powers, the present treaty of amity, settlement and limits, and have hereunto affixed our seals respectively.

Done at Washington, this twenty-second day of February, one thousand eight hundred and nineteen.

[SEAL.] JOHN QUINCY ADAMS.
[SEAL.] LUIS DE ONIS.

And whereas, his said Catholic Majesty did, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty, ratify and confirm the said treaty, which ratification is in the words and tenor following.

[TRANSLATION.]

Ratification.

" Ferdinand the Seventh, by the Grace of God, and by the constitution of the Spanish Monarchy, King of the Spains.

Whereas, on the twenty-second day of February, of the year one thousand eight hundred and nineteen, last past, a treaty was concluded and signed in the City of Washington, between Don Luis de Onis, my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, Esquire, Secretary of State of the United States of America, competently authorized by both parties, consist-

" Dn. Fernando Septimo, por la Gracia de Dios, y por la constitucion de la Monarquia Espanola, Rey de las Espanas.

Por cuanto en el dia veinte y dos de Febrero del año proximo pasado de mil ochocientos diez y nueve, se concluyó y firmo en la Ciudad de Washington, entre Dn. Luis de Onis, mi Enviado Extroardinario y Ministro Plenipotenciario, y Dn. Juan Quincy Adams, Secretario de Estado de los Estados Unidos de America, autorizados competentemente por ambas partes, un Tratado compuesto de diez

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y seis articulos, que tiene por objeto el Arreglo de Diferencias y de Limites entre ambos Gobiernos y sus respectivos territorios; cuya forma y tenor literal es el siguiente:

" Por tanto, haviendo visto y examinados los referidos diez y seis articulos, y habiendo precedido la anuencia y habiendo autorizacion de las Cortes Generales de la Nacion por lo respectivo a la cesion que en los articulos 2° y 3° menciona y estipula, he venido en aprobar y ratificar todos y cada uno de los referidos articulos y clausulas que en ellos se contiene; y en virtud de la presente los apruebo y ratifico; prometiendo en fé y palabra de Rey cumplirlos y observarlos, y hacer que se cumplan y observen enteramente como si Yo mismo los hubiese firmado: sin que sirva de obstacule en manera alguna la circumstancia de haber transcurrido el termino de los seis meses prefijados para el cange de las ratificaciones en el articulo 16; pues mi deliberada voluntad es que la presente ratification sea tan valida y subsistente y produzca los mismos efectos que si hubiese sido hecha dentro del termino prefijado. Yo deseando al mismo tiempo evitar qualquiera duda ó ambiguedad que puéda ofrecér el contenido del articulo 8°. del referido Tratado con motivo de la fecha que en el se señela como termino para la validacion de las concesiones de tierras en las Floridas, hechas por mi ó por las autoridades competentes en mi real nombre, a cuyo señalamiento de fecha se procedió en la positiva inteligencia de dejar anuledas por su tenor las tres concesiones de tierras hechas a favor del Duque de Alagon, Conde de Puñonrostro, y Dn. Pedro de Vargos; tengo a bien declarar que las referidas tres concesiones han quedado y quedan enteramento anuladas é invalidadas; sin que los tres individuos referidos, ni los que de estos tengan titulo ó causa, puedan aprovecharse de dichas concesiones en tiempo ni manera alguna; bajo cuya explicita declaration se ha de entender ratificado el referido articulo 8°. En fé de todo lo cual mandé despachar la presente firmada de mi mano, sellada con mi sello secreto, y refrendada por el infrascripto mi Secretario del Despacho de Estado.

Dada en Madrid, a viente y quatro de Octubre, de mil ochocientos veinte.

[Sig.] FERNANDO.

[Refren.] Evaristo Perez de Castro."

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ing of sixteen articles, which had for their object the arrangement of differences and of limits between both governments and their respective territories; which are of the following form and literal tenor: 1819. February 22.

[*Here follows the above Treaty, word for word.*]

"Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve and ratify them; promising on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them: and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous, at the same time, of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of lands made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner: under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which, I have commanded to despatch these presents. Signed by my hand, sealed with my secret seal, and countersigned by the underwritten my Secretary of Despatch of State. Ratification.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

[Sign.] FERNANDO.

[Countersigned] EVARISTO PEREZ DE CASTRO."

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Ratification.

And whereas the Senate of the United States did, on the nineteenth day of the present month, advise and consent to the ratification, on the part of these United States of the said treaty, in the following words:

"IN SENATE OF THE UNITED STATES—February 19, 1821.

"*Resolved, two-thirds of the Senators present concurring therein*, That the Senate, having examined the treaty of amity, settlement, and limits, between the United States of America and his Catholic Majesty, made and concluded on the twenty-second of February, one thousand eight hundred and nineteen, and seen and considered the ratification thereof, made by his said Catholic Majesty, on the twenty-fourth day of October, one thousand eight hundred and twenty, do consent to, and advise the President of the United States to ratify the same."

And whereas, in pursuance of the said advice and consent of the Senate of the United States, I have ratified and confirmed the said treaty, in the words following, viz:

"Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the treaty above recited, together with the ratification of his Catholic Majesty thereof, do, in pursuance of the aforesaid advice and consent of the Senate of the United States, by these presents accept, ratify, and confirm, the said treaty, and every clause and article thereof, as the same are herein before set forth.

In faith whereof, I have caused the seal of the United States of America, to be hereto affixed.

Given under my hand, at the city of Washington, this twenty-second day of February, in the year of our Lord one thousand eight hundred and twenty-one, and of the Independence of the said states the forty-fifth.

By the President: JAMES MONROE.

JOHN QUINCY ADAMS, Secretary of State."

And whereas the said ratifications, on the part of the United States, and of his Catholic Majesty, have been this day duly exchanged, at Washington, by JOHN QUINCY ADAMS, Secretary of State of the United States, and by General DON FRANCISCO DIONISIO VIVES, Envoy Extraordinary and Minister Plenipotentiary of his Catholic Majesty: Now, therefore, to the end that the said treaty may be observed and performed with good faith, on the part of the United States, I have caused the premises to be made public; and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the twenty-second day of February, in [L. S.] the year of our Lord one thousand eight hundred and twenty-one, and of the sovereignty and Independence of the United States the forty-fifth

By the President: JAMES MONROE.

JOHN QUINCY ADAMS, Secretary of State."

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The following are the Grants which have been annulled by the foregoing treaty :

GRANT TO THE DUKE OF ALAGON.

[COPIA.]

Don Antonio Porcel, Caballero pensionista de la Real y distinguida Orden de Carlos 3°, del Consejo de Estado, y Secretario de Estado, y del Despacho de la Gobernacion de Ultramar, &c.

Certifico que con fecha seis de Febrero, de mil ochocientos diez y ocho, se espidieron por el estinguido Consejo de las Indias, Reales Cedulas de igual tenor, al gobernador capitan general de isla de Cuba y su distrito, al intendente de exercito y real hacienda de la Havana y su distrito, y al gobernador de las Floridas, para que cada uno en la parte que le tocare dispusiese lo conveniente a que tuviese efecto *la gracia concedida al duque de Alagon* varios terrenos en la Florida Oriental, cuyo contenido es el siguiente.

EL REY. Mi gobernador y capitan general de la Ysla de Cuba y su distrito. *El duque de Alagon*, baron de Espes, me hizo presente en esposicion de doce de Julio del ano ultimo lo que sigue—Senor: *El duque de Alagon*, baron de Espes, Capitan de Guardias de la Real persona de V. M. con el mayor respecto espone: que siendo un interes de la Corona, que se den a grandes capitalistas los terrenes incultos para que se pueblen y cultiven, en lo que resultan unas ventajas demonstradas y aconsejadas por todos los politicos, en cuyo caso se hallan muchos, o casi los mas del fertil suelo de las Floridas; y siendo tambien un derecho de V. M. como dueno absoluto el distribuir los en obsequio de la agricultura; y en premio y recompensa de los servicios interesantes que se le hacen con utilidad de V. M. y de su Reyno todo. Deseoso de merecer estas senales de aprecio de su magnanimo corazon, y de contribuir por mi parte a llenar las miras de poblacion tan interesantes al bien comun: a V. M. suplica se digne concederle el terreno inculto que no se halle cedido en la Florida Oriental, situado entre las margenes de los Rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la costa de la golfo de la Florida, e yslas adyacentes, con la embocadura en el rio Hijuelos, por el grado viente y seis de latitud, siguiendo su orilla izguierda hasta su nacimento, tiranda una linea ala Laguna Macaco, bajando luego por el Camino del Rio de San Juan hasta la laguna Valdes, cortando por otra linea desde el estremo norte de esta laguna hasta el nacimento

[TRANSLATION.]

Don Antonio Porcel, knight pensioner of the royal and distinguished order of Charles III; of the council of state, and secretary of state and of despatch of the ultra-marine government, &c.

I certify, that, under date of the sixth of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late council of the Indies to the governor captain general of the Island of Cuba and its dependencies to the intendant of the army and royal business of the Havana and its district, and to the governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the *grant made to the duke of Alagon*, of various lands in East Florida, of the following tenor:

THE KING. My governor and captain general of the Island of Cuba and its dependencies: The *duke of Alagon*, baron de Espes, has manifested to me, on the 12th July last, as follows: "Sire: The *duke of Alagon*, baron de Espes, captain of your majesty's royal body guards, with the greatest respect, exposes, that, it being the interest of the crown that the uncultivated lands should be given to great capitalists, in order that they may be peopled and cultivated, from which flow the advantages pointed out and advised by all politicians, and by means of which much or nearly most of the fertile soil of the Floridas has been discovered, and it being a right of your majesty, as absolute lord, to distribute them for the benefit of agriculture, and in reward and recompense of the eminent services which have been rendered to your majesty, and your whole kingdom; being desirous of deserving those marks of the value of his magnanimous courage, and of contributing as far as possible to fulfil the designs of population, so interesting to the commonweal, he humbly requests your majesty, that you would deign to grant him all the uncultivated land not ceded in East Florida which lies between the rivers Saint Lucia and St. John, as far as the mouths by which they empty themselves into the sea, and the coast of the gulf of Florida, and the adjacent islands, with the mouth of the river Hijuelos, in the twenty-sixth degree of latitude, following the left bank up to its source, drawing a line from Lake Macaco, then descending by the way of the river Saint John to

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del rio Amarima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho o veinte y cinco de latitud, y continuando por la costa del mar, con todas sus yslas adyacentes, hasta la embocadura del rio Hijuelos, en plena propiedad para si y sus herederos, y permitiendose la introduction de negros para el travajo y cultivo de las tierras libre de derechos: gracia que espera merecer de la innata piedad de V. M. Enterado del contenido de esta esposicion, y atendiendo al distinguida merito de este sugeto, y a su acreditado celo por mi real servicio, como tambien a las ventajas que resultaran el estado del aumento de poblacion de los citados paises que pretende, he tenido a bien acceder ala gracia que solicita en quanto no se oponga a las leyes de esos mis reynos; y comunicarlo al mi consejo de las Indias para su execucion, en real order de diez y siete de Diciembre del referido ano. En su consecuencia os mando y en cargo por esta mi real cedula que con arreglo a las leyes que rigen en la materia, auxilieis eficazmente la execucion de la espresada gracia, tomando todas las disposiciones que se dirijan asu devido efecto, sin perjuico de tercero, y para que el espresado duque de Alagon pueda desde, luego poner en execucion su designio conforme en todo con mis benéficos deseos en obsequio de la agricultura y comercio de dichas posesiones, que claman por una poblacion proporcionada ala feracidad de su suelo, y ala defensa y seguridad de las costas, dando cuenta successivamente de su progreso; entendiendose que la indroducion de negros que comprende la misma gracia, deve sujetarse en quanto al trafico de ellos, a las reglas prescriptas en mi real cedula de diez y nueve de Diciembre ultimo, que asi es mi voluntad; y que de esta cedula se tome razon en la contaduria general de Indias.

Fecha en palacio a seis de Febrero, de mil ochocientos dez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Senor:

ESTEBAN VAREA."

Y para que conste firmo esta certificacion en Madrid, a quince de Octubre de mil ochocientos viente. ANTONIO PORCEL.

Don Evaristo Perez de Castro, Caballero de numero de la order de Carlos 3. del consejo de estado, y secretario del despacho de estado, &c.

Certifico que la firma que antecede del exmo. sor. Don Antonio Porcel, secretario del despacho de la gobernacion de ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas, en Madrid, a viente y uno de mil ochocientos y viente.

EVARISTO PEREZ DE CASTRO.

GRANT TO THE COUNT OF PUNON ROSTRO.

[COPIA.]

Don Antonio Porcel, Cabellero pensionista de la Real distinguida orden de Carlos tercero, del consejo de estado, y del despacho de la gobernacion de ultramar, &c.

Certifico que con fecha de seis Febrero, de mil ochocientos diez y ocho, se expedieron por el estinguido consejo de las Indias reales cedulas de igual tenor al gobernador captain general de la ysla de Cuba y su distrito, al intendente de exercito y real hacienda de la Havana y su distrito, y al gobernador de las Floridas, para que cada uno en la parte que le tocase dispusiese lo conveniente a que tubiese efecto la *gracia concedida* el brigadier *conde de Punonrostro* de varios terrenos situados en la Florida Occidental, cuyo contenido es el siguente.

EL REY. My gobernador y capitan general de la ysla de Cuba y su distrito. El brigadier *conde de Punonrostro*, me hizo presente en exposicion de tres Noviembre del ano ultimo lo que sigue—Senor: El brigadier *conde de Punonrostro*, grande de Espana de primera clase, y vuestro gentilhombre de Camara con exercicio, &c. &c. P. A. L. R. P. de V. M. con el mas profundo respeto, expone: que movido del anhelo de procurar por todos los medios posibles el hacer productible parte de los immensos terrenos despoblados e incultos que V. M. tiene en las Americas, y que por su feracidad prometen las mayores ventajas, tanto al que expone como al estado, si llegase a verificarse, como lo espera, el noble proyecto que anima al exponente de convertir una pequena parte de aquellos desiertos en morada de

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the Lake Valdes, crossing by another line from the extreme north of said lake to the source of the river Amarima, following its right bank as far as its mouth, in the twenty-eighth or twenty-fifth degree of latitude, and running along the sea-coast, with all the adjacent islands up to the mouth of the river Hijuelos in full property to himself and his heirs; allowing them also to import negroes, for the labor and cultivation of the lands, free of duties: A gift which I hope to obtain from your majesty's innate goodness."

Having taken the premises into consideration, and bearing in mind the distinguished merit of the memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the state from an increase of population in the countries, the cession whereof he has solicited, I have judged fit to grant him the same, in so far as is conformable to the laws of these my kingdoms; and to make it known to my council of the Indies, for its due execution, by a royal order of the seventeenth of December, in the year aforementioned: Wherefore, I charge and command you, by this my royal cedula, with due observance of the laws to such cases pertaining, to give full and effectual aid to the execution of the said cession, taking all requisite measures for its accomplishment, without injury to any third party; and in order that the said duke of Alagon may forthwith carry his plans into execution, in conformity with my beneficent desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil and the defence and security of the coasts, he giving regular accounts of his proceedings; it being understood that the introduction of negroes, which the same cession comprehends, ought, as far as relates to the trafic in them, to be subject to the regulations prescribed in my royal cedula of the nineteenth of December last, for such is my will; and that due note be taken of the present cedula in the office of the accountant general of the Indies.

Dated at the palace, the sixth of February, one thousand eight hundred and eighteen.

I THE KING.

By command of the king our Lord:

ESTEBAN VAREA.

And I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty. ANTONIO PORCEL.

Don Evaristo Perez de Castro, knight of the order of Charles III, of the council of state, and secretary of despatch of state, &c.

I certify that the foregoing signature of his excellency, Don Antonio Porcel, secretary of despatch of the ultra-marine government, is that which he is accustomed to put to all his writings; and for the proper purposes, I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, twenty-first of October, one thousand eight hundred and twenty. EVARISTO PEREZ DE CASTRO.

GRANT TO THE COUNT OF PUNONROSTRO.

[TRANSLATION.]

Don Antonio Porcel, Knight Pensioner of the royal and distinguished order of Charles 3d, of the Council of State, and Secretary of State and of Despatch of the Ultramarine Government, &c.

I certify, that, under date of the 6th of February, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late council of the Indies to the Governor Captain General of the Island of Cuba and its dependencies, to the Intendant of the Army and Royal Business of the Havana and its district, and to the Governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to Brigadier the *Count of Punonrostro*, of various lands situated in West Florida, of the following tenor:

THE KING. My Governor and Captain General of the Island of Cuba and its dependencies: the Brigadier *Count of Punonrostro* submitted to me, on the third of November last, what follows: "Sire: the Brigadier *Count of Punonrostro*, Grandee of Spain of the first class, and your gentleman of the Bed Chamber in actual attendance, &c. &c. throws himself at your Majesty's royal feet with the most profound respect, and submits to your Majesty: that, prompted by the desire of promoting, by all possible means, the improvement of the extensive waste and unsettled lands possessed by your Majesty in the Americas, which, by their fertility, offer the greatest advantages, not only to your memorialist, but to the State, provided due effect, as is hoped, be given to the noble project formed by your Majesty's

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habitantes pacificos cristianos e industriosos, que aumentando la poblacion de vuestros reydos, fomenten la agricultura y el comercio, y por consiguiente hagan immensos los ingresos de vuestro real herario. Esta empresa dirigida por persona que al conocimiente del pays reune las circumcias de poder comparer los progresos que han hecho por este medio otras naciones, como la de los Estados Unidos, que en una epoca muy limitida ha elevado su poder a un grado extraordinario, distinguiendose la Mobile adyacente a la Florida, que en los seis anos ultimos aprovechandose de la emigracion se ha convertido de un pays inculto y desierto, en una provincia rica y comerciante, cultivada y poblada com mas de 300,000 habitantes. Esto mismo debe suceder a la Florida en el corto tiempe de diez y ocho o veinte anos si se adoptan las medidas conducentes a ello, y si al exemplo del exponente avandonan otros la apatia y se dedican a labrar so furtuna individual; y por consiguente la del estado. Confiados pues en lo recomendable de esta empresa, en los vivos deseos que animan a V. M. por la prosperidad de la nacion, y en los servicos y sacrificios del exponente, se atreve a suplicar a V. M. que en remuneracion de ellos se digne concederle en plena propriedad y con arreglo a la leyes que rigen en la materia, todas las tierras incultas que no se hallen cedidas en la Florida, comprehendidas entre el rio perdido al occidente del golfo de Mexico, y los rios Amaruja y el Sn. Juan, desde Popa hasta su desague en el Mar por la parte de Oriente, por el Norte la linea de demarcacion con los Estados Unidos, y al sur por el golfo de Mexico, incluyendo las yslas desiertos en la costa. Por tanto, a V. M. rendidsment suplica, que en atencion a lo expuesto, y a las includables ventajas que resultan a la nacion, se sirva acceder a esta solicitud y mandar al mismo tiempo se comuniquen las correspondientes ordenes a las autoridades del pays, prebiniendoles presten al exponente todos los auxilios y proteccion necesaria, asi para la designacion de los terrenos, como para llevar a efecto la empresa en todas sus partes: gracia que espera de la munificiencia de V. M. Enterado del contenido de esta exposicion, y atendiendo al distinguido merito de este sugeto, y a su acreditado celo por mi real servicio, como tambien a las ventajas que resultaran al estado del aumento de poblacion de los citados paises que pretende, he tenido a bien acceder a la gracia que solicita en cuanto no se oponga a las leyes de esos mis reynos, y comunicarlo al mi consejo de Indias para su execucion en real orden de deiz y siete de Deciembre, del referido ano. En su consecuencia os mando y encargo por esta mi real cedula, que con arreglo a les leyes que rigen en la materia auxilieis eficazemente la execucion de la espresada gracia, tomando todas las disposiciones que se dirijan a su debido efecto, sin perjucio de tercero, y para que al espresado *conde de Puncnrostro* pueda desde luego poner en execucion su designio, conforme en todo con mis beneficos deseos, en obsequio de la agricultura y comercio de dichas posesiones que claman por una poblacion proporcionada a la feracidad de su suelo, y a la defensa y seguridad de la costas; dando cuenta succesivamente de su progreso; que asi es mi voluntad, y que de esta cedula se tome razon en la contaduria general de Indias.

Fecha en palacio, a seis de Febrero, de mil ochocientos dies y ocho.

YO EL REY.

Por mandado del Rey Nuestro Senor:
ESTEBAN VAREA."

Y para que conste firmo esta certification en Madrid, a quince de Octubre, de mil ochocientos y veinte.
ANTONIO PORCEL.

Don Evaristo Perez de Castro, Cabellero de numero de la orden de Carlos 3, del Consejo de Estado, y Secretario del Despacho de Estado, &c.

Certificio que la firma que antecede del Exmo. Sor. Don Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas, en Madrid, a veinte y uno de Octubre, de mil ochocientos y veinte.
EVARISTO PEREZ DE CASTRO.

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memorialist, of converting a small portion of those deserts into the abode of peaceable Christians and industrious inhabitants, who will increase the population of your kingdoms, promote agriculture and commerce, and thereby add immensely to your royal revenues. This enterprise should be conducted by a person who, with a knowledge of the country, would combine the intelligence necessary for comparing the progress made by other nations in similar situations, and particularly by the United States, which, within a very recent period, have advanced their power to an extraordinary height, and especially in the instance of the Mobile country, adjoining Florida, which, in the last six years, has received such an influx of emigrants, as to be converted from a desert waste into a rich commercial province, highly improved, and peopled with more than three hundred thousand souls. A similar change would be effected in Florida within eighteen or twenty years, by the adoption of judicious arrangements, and by those exertions which your Majesty's memorialist proposes to employ for the promotion of his personal interest, and consequently that of the state. Relying on the merits of the case, and the lively interest felt by your Majesty in the national prosperity, and in the services and sacrifices of your Majesty's memorialist, he humbly requests your Majesty, that, taking them into consideration, you would be graciously pleased to grant and cede to him, in full right and property, and the mode and manner required by law, all the waste lands, not heretofore ceded, in Florida, lying between the river Perdido, westward of the Gulf of Mexico, and the rivers Amaruja and Saint Johns, from Popa to the point where it empties into the Ocean, for the Eastern limit; and, for the Northern, the boundary line of the United States; and, to the South, by the Gulf of Mexico, including the desert islands on the coast. He therefore humbly prays, in consideration of the premises, and the unquestionable advantages to be derived by the nation, Y. Majesty will be pleased to grant this his petition, and thereupon direct the necessary orders to be given to the local authorities to afford him all due aid and protection, as well in designating the territory referred to, as in giving full effect to the whole enterprise. All which he hopes from the munificence of your Majesty.

Having taken the premises into consideration, and bearing in mind the distinguished merits of the memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the state from an increase of population in the countries, the cession whereof he has solicited, I have judged fit to grant him the same, in so far as is conformable to the laws of these my kingdoms, and to make it known to my council of the Indies, for its due execution, by a royal order of the seventeenth of December, in the year aforementioned; wherefore, I charge and command you, by this, my royal cedula, with due observance of the laws to such cases pertaining, to give full and due effect to the said cession, taking all requisite measures for its accomplishment, without injury to any third party, and to the end that the said *Count of Punonrostro* may forthwith carry his plans into execution, in conformity with my beneficient desires in favor of the agriculture and commerce of the said territories, which require a population proportioned to the fertility of the soil, and the defence and security of the coasts, he giving regular accounts of his proceedings, for such is my will; and that due note be taken of the present cedula in the office of the Accountant General of the Indies.

Dated at the palace, the sixth of February, one thousand eight hundred and eighteen.

I THE KING.

By command of the King our Lord:
ESTEBAN VAREA.

And I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty. ANTONIO PORCEL.

Don Evaristo Perez de Castro, knight of the order of Charles 3rd, of the council of state, and secretary of state, &c.

I certify that the foregoing signature of his excellency Don Antonio Porcel, secretary of despatch, of the ultra marine government, is that which he is accustomed to put to all his writings. And, for the proper purposes, I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first of October, one thousand eight hundred and twenty. EVARISTO PEREZ DE CASTRO.

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GRANT TO DON PEDRO VARGAS.

[COPIA.]

Don Antonio Porcel, Caballero pensionista de la real y distinguida orden de Carlos tercero, del Consejo de Estado, y Secretario de Estado y del Despacho de la Gobernacion de Ultramar, &c.

Certifico que con fecha de nueve de Abril, de mil ochocientos diez y ocho, se espedieron por el extinguida Consejo de las Indias reales cedulas de igual tenor al Gobernador Capitan General de la isla de Cuba y su distrito, al Intendente de exercito y Real Hacienda de la Habana y su distrito, y al Gobernador de las Floridas, para que cada uno en la parte que le tocase dispusiera lo conveniente a que tubiese efecto *la gracia concedida* a *Don Pedro de Vargas*, de varios terrenos situados en las Floridas; cuyo contenido es el siguiente:

EL REY. Mi Gobernador y Capitan General de la isla de Cuba y su distrito. Con fecha de veinte y cinco de Enero ultimo, me hizo presente *Don Pedro Vargas* lo que sigue— Senor: *Don Pedro de Vargas*, Caballero de la real orden militar de Alcantara, Tesorero General de la Real Casa y Patrimonio de V. M. con el mas profundo respeto a V. R. M. espone: Que hay una porcion de tierras vacantes y despobladas en el territorio de las Floridas, y deseando que si V. M. se digna premiar sus tales cuales servicios y las pruebas de lealtad que le tiene dadas, sea sin el mas minimo grabamen del Erario, ni perjuicio de tercero, como puede en el dia verificarse con algunas tierras de aquel pais a V. M. suplica que por un efecto de su soberana piedad se digne concederle la propiedad del terreno que esta comprehendida en la siguiente demarcacion, a saver; Desde la embocadura del rio Perdido y de su bahia en el Golfo de Mexico, siguiendo la costa del mar, subir por la habia del Buen Socorro, y de la Mobila, continuar por el rio de Mobila hasta tocar la linea Norte de los Estados Unidos, y baxar por ella con una recta al origin del rio Perdido y siguiendo por el rio de la Mobila abaxo y la habia de su nombre volver por la costa del mar acia el Oeste, con todas las calas entradas e islas adyacentes que pertenecen a la Espana en la epoca presente hasta llegar a la lienea del Oeste de los Estados Unidos y volver por la del Norte, comprehendiendo todas las tierras baldias, que corresponden o puedan corresponden a la Espana y estan en disputa o reclamacion con los Estados Unidos, segun el tenor de los tratados, y asi mismo el terreno baldio y no cedido a otra particular que hay entre el Rio Hijuelos en la Florida Oriental y el rio Santa Lucia tirando una linea *desde el nacimiento del uno al del otro y siguiendo por la costa del golfo de Mexico*, des dela embocadura del rio Hijuelos, hasta la punta de Tancha, y doblando esta por la costa del Golfo de Florida hasta la embocadera del rio Santa Lucia con las islas y cayos adyacentes.

Enterado del contenido de esta esposicion, y atendiendo al merito de este sugeto y a su acreditado celo por mi real servicio como tambien a las ventajas que resultaran al estado de la poblacion de los citados paises, he tenido a bien acceder a la gracia que solicita, en cuanto no se oponga a las leyes de esos mis reinos, y comunicarlo al mi Consejo de las Indias para su complimiento en real orden de dos de Febrero proximo pasado. En su consequencia os mando y encargo por esta mi real Cedula, que con arreglo a las leyes que rigen en la materia y sin perjucio de tercero auxilieis eficazmente la execucion de la expresada gracia, tomando todas las disposiciones que se dirigan a su debido efecto, como tambien al aumento de poblacion, agricultura y commercio de las referidas posesiones; dando cuento succesivamente de su progreso: que asi es mi voluntad, y que de esta Cedula se tome razon en la Contaduria General de Indias.

Fecha en Palacio, a nueve de Abril, de mil ochocientos diez y ocho.

YO EL REY.

Por mandado del Rey Nuestro Senor: ESTEBAN VERRA."

Y para que conste firmo esta certificacion en Madrid, a quince de Octobre, de mil ochocientos y veinte. ANTONIO PORCEL.

Don Evaristo Perez de Castro, Caballero de numero de la orden de Carlos 3, del Consejo de Estado y Secretario del Despacho de Estado, &c.

Certifico que la firma que antecede del Exmo. Sor. Don Antonio Porcel, Secretario del Despacho de la Gobernacion de Ultramar, es la que acostumbra poner en todos sus escritos. Y para los efectos convenientes doy el presente certificado, firmado de mi mano y sellado con el escudo de mis armas en Madrid, a veinte y uno de Octubre, de mil ochocientos y veinte.

EVARISTO PEREZ DE CASTON.

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GRANT TO DON PEDRO DE VARGAS.

[TRANSLATION.]

Don Antonio Porcel, Knight Pensioner of the royal and distinguished order of Charles 3, of the council of state, and secretary of state and of despatch, of the ultra marine government, &c.

I certify that, under date of the ninth of April, one thousand eight hundred and eighteen, royal letters patent of the same tenor were sent by the late council of the Indies to the governor general of the Island of Cuba and its dependencies, to the intendant of the army and royal business of the Havanna and its district, and to the governor of the Floridas, that each should do his utmost, in his particular department, to give effect to the grant made to *Don Pedro de Vargas*, of various lands situated in the Floridas, of the following tenor:

THE KING. My governor and captain general of the Island of Cuba and its dependencies: under date of the twenty-fifth of January last, *Don Pedro de Vargas* manifested to me as follows: "Sire: *Don Pedro de Vargas*, knight of the royal order of Alcantara, treasurer general of the royal house and patrimony of your majesty, with the most profound respect, at your royal feet, exposes—That there is a quantity of vacant and unpeopled land in the territory of the Floridas, and desiring that, if your majesty shall deign to reward his passable services, and the proofs which he has given of his loyalty, it may be without the least burthen on the public treasury, or in prejudice of any third person, as may be done at present by some lands of that country, he beseeches your majesty, that, by an effect of your sovereign goodness, you would deign to grant him the property of the land which lies comprised within the following limits: that is to say—from the mouth of the river Perdido, and its bay in the Gulf of Mexico, following the sea coast, to ascend by the Bay of Buen Socorro, and of Mobile, continuing by the river Mobile, till it touches the northern line of the United States, and descending by that in a right line to the source of the River Perdido, and following the River Mobile in its lower part, and the Bay of that name, returns by the sea coast towards the west; comprehending all the creeks, entries, and islands, adjacent, which may belong to Spain at the present time, till it reaches the west line of the United States, then, returning by their northern line, comprehending all the waste lands which belong, or may belong, to Spain, and are in dispute or reclamation with the U. S., according to the tenor of the treaties, and also all the waste land not ceded to any other individual, which is between the river Hijuelos, in East Florida, and the river St. Lucia, drawing a line *from the source of one river to the source of the other, and following by the coast of the Gulf of Mexico*, from the mouth of the Hijuelos to the point of Tancha, and doubling this, by the coast of the Gulf of Florida, to the mouth of the river Saint Lucia, with the islands and keys adjacent."

Considering the contents of this exposition, and attending to the merit of the individual, and his accredited zeal for my royal service, as also to the advantages to result to the state from the peopling the said countries, I have thought proper to accede to the favor which he solicits, in as far as it be not opposed to the laws of these, my kingdoms, and communicated it to my council of the Indies, for its accomplishment, in a royal order of the second of February last. Consequently, I command and charge you, by this my royal cedula, that, conforming to the laws which regulate in these affairs, and without prejudice to third persons, that you efficaciously aid the execution of the said grant, taking all the measures which may conduce to its due effect, as also to the augmentation of the population, agriculture, and commerce, of the aforesaid possessions, giving account, from time to time, of the progress made, for this is my will; and that due notice shall be taken of this cedula in the office of the accountant general of the Indies.

Dated at the palace, the ninth of April, one thousand eight hundred and eighteen.

I THE KING.

By command of the King our Lord: ESTEBAN VAREA.

I confirm this exemplification, at Madrid, the fifteenth of October, one thousand eight hundred and twenty. ANTONIO PORCEL.

Don Evaristo Perez de Castro, knight of the order of Charles 3d, of the council of state, and secretary of despatch of state, &c.

I certify that the foregoing signature of his excellency Don Antonio Porcel, secretary of despatch of the ultra marine government, is that which he is accustomed to put to all his writings; and, for the proper purposes, I give the present certificate, signed by my hand, and sealed with my seal of arms, at Madrid, the twenty-first day of October, one thousand eight hundred and twenty. EVARISTO PEREZ DE CASTRO.

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SURRENDER OF THE FLORIDAS BY SPAIN.

Copy of the paper in the English Language, signed by the Commissioner on the part of the United States, and the Commissioner on the part of his Catholic Majesty, upon the delivery of possession of the province of EAST FLORIDA *to the United States.*

In the place of St. Augustine, and on the 10th day of July, eighteen hundred and twenty-one, Don Jose Coppinger, colonel of the national armies, and Commissioner, appointed by his excellency the captain general of the Island of Cuba, to make a formal delivery of this said place and province of East Florida, to the government of the United States of America, by virtue of the treaty of cession concluded at Washington on the 22d of February, eighteen hundred and nineteen, and the royal schedule of delivery of the 24th of October, of the last year, annexed to the documents mentioned in the certificate that form a heading to these instruments in testimony thereof, and the adjutant general of the southern division of said states, colonel Don Robert Butler, duly authorized by the aforesaid government to receive the same; we having had several conferences in order to carry into effect our respective commissions, as will appear by our official communications; and having received by the latter, the documents, inventories, and plans, appertaining to the property and sovereignty of the Spanish nation held in this province and its adjacent islands depending thereon, with the sites, public squares, vacant lands, public edifices, fortifications, and other works, not being private property, and the same having been preceded by the arrangements and formalities that, for the greater solemnity of this important act, they have judged proper, there has been verified, at four o'clock of the evening of this day, the complete and personal delivery of the fortifications, and all else of this aforesaid province, to the commissioner, officers, and troops of the United States; and, in consequence thereof, having embarked for the Havana the military and civil officers and Spanish troops, in the American transports provided for this purpose, the Spanish authorities having this moment ceased the exercise of their functions, and those appointed by the American government having began theirs; duly noting that we have transmitted to our governments the doubts occurring whether the artillery ought to be comprehended in the fortifications, and if the public archives, relating to private property, ought to remain and be delivered to the American government by virtue of the cession, and that there remains in the fortifications, until the aforesaid resolution is made, the artillery, munitions, and implements, specified in a particular inventory awaiting on these points, and the others appearing in question in our correspondence, the superior decision of our respective governments, and which is to have, whatever may be the result, the most religious compliance at any time that it may arrive, and in which the possession that at present appears given shall not serve as an obstacle.

In testimony of which, and that this may at all times serve as an expressive and formal receipt in this act, we, the subscribing commissioners, sign four instruments of this same tenor, in the English and Spanish languages, at the abovementioned place, and said day, month, and year.

ROBERT BUTLER.
JOSE COPPINGER.

[To the original act there is a certificate in the Spanish language, of which the following is a translation.]

"In faith whereof, I certify that the preceding act was executed in the presence of the illustrious Ayuntamiento, and various private persons assembled, and also of various military and naval officers of the government of the United States of America.

ST. AUGUSTINE, 10th July, 1821.

JUAN DE ENTRALGO,
Notary of the Government and Secretary of the Cabildo."

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Copy of the paper in the English language signed by the Commissioner on the part of the United States, and the Commissioner on the part of his Catholic Majesty; upon the delivery of possession of the province of WEST FLORIDA *to the United States.*

The undersigned, Major-general Andrew Jackson, of the state of Tennessee, commissioner of the United States, in pursuance of the full powers received by him from James Monroe, President of the United States of America, of the date of the 10th of March, 1821, and of the 45th of the Independence of the United States of America, attested by John Quincy Adams, secretary of state, and Don Jose Callava, commandant of the province of West Florida, and commissioner for the delivery, in the name of his catholic majesty, of the country, territories, and dependencies, of West Florida, to the commissioner of the United States, in conformity with the powers, commission, and special mandate, received by him from the captain-general of the Island of Cuba, of the date of the 5th May, 1821, imparting to him therein the royal order of the 24th of October, 1820, issued and signed by his catholic majesty, Ferdinand the seventh, and attested by the secretary of state, Don Evaristo Perez de Castro:

Do certify by these presents, that, on the seventeenth day of July, one thousand eight hundred and twenty-one of the christian æra, and forty-sixth of the Independence of the United States, having met in the court room of the government house in the town of Pensacola, accompanied on either part by the chiefs and officers of the army and navy, and by a number of the citizens of the respective nations, the said Andrew Jackson, major-general and commissioner, has delivered to the said colonel commandant Don Jose Callava, his beforementioned powers; whereby he recognizes him to have received full power and authority to take possession of, and to occupy, the territories ceded by Spain to the United States by the treaty conaluded at Washington on the 22d day of February, 1819, and for that purpose to repair to said territories, and there to execute and to perform all such acts and things touching the premises, as may be necessary for fulfilling his appointment conformably to the said treaty and the laws of the United States, with authority likewise to appoint any person or persons in his stead to receive possession of any part of the said ceded territories, according to the stipulations of the said treaty: Wherefore, the colonel commandant Don Jose Callava immediately declared, that, in virtue and in performance of the power, commission, and special mandate, dated at Havana on the 5th of May, 1821, he thenceforth, and from that moment placed the said commissioner of the United States in possession of the country, territories, and dependencies, of West Florida, including the fortress of St. Marks, with the adjacent islands, dependent upon said province, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, according to, and in the manner set forth by, the inventories and schedules which he has signed and delivered with the archives and documents directly relating to the property and sovereignty of the said territory of West Florida, including the fortress of St. Marks, and situated to the east of the Mississippi river, the whole in conformity with the second article of the treaty of cession concluded at Washington the 22d of February, 1819, between Spain and the United States, by Don Luis de Onis, minister plenipotentiary of his catholic majesty, and John Quincy Adams, secretary of state of the United States, both provided with full powers, which treaty has been ratified on the one part by his catholic majesty, Ferdinand the seventh, and the President of the United States, with the advice and consent of the senate of the United States, on the other part; which ratifications have been duly exchanged at Washington the 22d of February, 1821, and the forty-fifth of the Independence of the United States of America, by general Don Dyonisius Vives, minister plenipotentiary of his catholic majesty, and John Quincy Adams, secretary of state of the United States, according to the instrument signed on the same day: And the present delivery of the country is made in order that, in execution of the said treaty, the sovereignty and the property of that province of West Florida, including the fortress of St. Marks, shall pass to the United States, under the stipulations therein expressed.

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And the said colonel commandant Don Jose Callava has, in consequence, at this present time, made to the commissioner of the United States, major-general Andrew Jackson, in this public session, a delivery of the keys of the town of Pensacola, of the archives, documents, and other articles, in the inventories before mentioned; declaring that he releases from their oath of allegiance to Spain, the citizens and inhabitants of West Florida who may choose to remain under the dominion of the United States.

And that this important and solemn act may be in perpetual memory, the within named have signed the same, and have sealed with their respective seals, and caused to be attested by their secretaries of commission, the day and year aforesaid.

ANDREW JACKSON.

By order of the Commissioner on the part of the United States.

R. K. CALL,
Sec'y. of the Commission.

JOSE CALLAVA.

Por mandato de su senoria el coronel comisario del gobierno de Espana.

El Secretario de la Comision.
JOSE Y. CRUZAT.

PROCLAMATION,

By Major General Andrew Jackson, Governor of the Provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the Island of Cuba, over the said Provinces, and of the Governors of said Provinces, respectively.

Whereas, by the treaty concluded between the United States and Spain, on the 22d day of February, 1819, and duly ratified, the provinces of the Floridas were ceded by Spain to the United States, and the possession of the said provinces is now in the United States:

And whereas, the congress of the United States, on the third day of March, in the present year, did enact that, until the end of the first session of the seventeenth congress, unless provision for the temporary government of said provinces be sooner made by congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the said provinces, shall be vested in such person and persons, and shall be exercised in such manner as the president of the United States shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion; and the president of the United States has, by his commission, bearing date the tenth day of said March, invested me with all the powers, and charged me with the several duties, heretofore held and exercised by the captain general, intendant, and governors aforesaid:

I have, therefore, thought fit to issue this my proclamation, making known the premises, and to declare that the government heretofore exercised over the said provinces, under the authority of Spain, has ceased, and that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the Union of the United States as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States; that in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess, that all laws and municipal regulations which were in existence at the cessation of the late government, remain in full force; and all civil officers charged with their execution, except those whose powers have been especially vested in me, and except, also, such officers as have been entrusted with the collection of the revenue, are continued in their functions, during the pleasure of the governor for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants and other persons within the said provinces, to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all force and violence from without or within.

Given at Pensacola this [*tenth* day of July for East Florida, and *seventeenth* day of July for West Florida,] one thousand eight hundred and twenty-one.

By the Governor:

ANDREW JACKSON.

R. K. CALL, *Acting Secretary of the Floridas.*

St. Augustine, East Florida, July 10, 1821.

By the Governor:

ROBERT BUTLER, *United States' Commissioners.*

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1824.
April 17 (5).

TREATY WITH RUSSIA.

A Convention between the United States of America and his Majesty the Emperor of all the Russias.

[TRANSLATION.]

In the name of the most Holy and indivisible Trinity:

The president of the United States of America and his majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named, as their plenipotentiaries to this effect, to wit: the president of the United States of America, Henry Middleton, a citizen of said states, and their envoy extraordinary and minister plenipotentiary near his imperial majesty; and his majesty the emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual privy counsellor, member of the council of state, secretary of state directing the administration of foreign affairs, actual chamberlain, knight order of St. Alexander Nevsky, grand cross of the order of St. Wladi-

[ORIGINAL.]

Au nom de la très Sainte et indivisible Trinité:

Le président des Etats Unis d'Amerique, et sa majesté l'Empereur de toutes les Russies, voulant, cimenter les liens d'amitié qui les unissent, et assurer entre eux le maintien invariable d'un parfait accord, moyennant la présente convention, ont nommé pour leurs plénipotentiaires à cet effet, savoir: le président des Etats Unis d'Amérique, le Sieur Henry Middleton, citoyen des dits états, et leur envoyé extraordinaire et ministre plénipotentiaire près sa majesté impériale: et sa majesté l'empereur, de toutes les Russies, ses amés et féaux les Sieurs Charles Robert Comté de Nesselrode, conseiller privé actuel, membre du conseil d'état, secrétaire d'état dirigeant le ministère des affaires étrangères, chambellan actuel, chevalier de l'ordre de St. Alexander Nevsky, grand croix de l'ordre de St. Wladimir de la 1re classe, chevalier de

Henry Middleton, Count Nesselrode and P. de Poletica, negotiators.

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mir of the first class, knight of that of the white eagle of Poland, grand cross of the order of St. Stephen of Hungary, knight of the orders of the Holy Ghost and of St. Michael, and grand cross of the legion of honor of France, knight grand cross of the orders of the black and of the red eagle of Prussia, of the annunciation of Sardinia, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the polar star of Sweden, of the crown of Wirtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma, and Pierre de Poletica, actual counsellor of state, knight of the order of St. Anne of the first class, and grand cross of the order of St. Wladimir of the second, who, after having exchanged their full powers, found in good and due form, have agreed upon, and signed the following stipulations:

Navigation and Fisheries of the Pacific free to both parties.

ART. 1. It is agreed, that in any part of the Great Ocean, commonly called the Pacific Ocean, or south sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles:

Illicit trade how to be prevented

ART. 2. With the view of preventing the rights of navigation and of fishing, exercised upon the great ocean by the citizens and subjects of the high contracting powers, from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the North West Coast.

54 deg. 40 min. the U. S. boundary—*south* of the same to be the Russian boundary.

ART. 3. It is moreover agreed, that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said states, any establishment upon the Northwest coast of America, nor in any of the islands adjacent, *to the north* of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, *south* of the same parallel.

Interior seas, &c. free to both

ART. 4. It is nevertheless, understood, that, during a term of ten years, counting from the signature of the present con-

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celui de l'aigle blanc de Pologne, Grand Croix de l'ordre de St. Etienne d'Hongrie, Chevalier des ordres du St. Esprit et de St. Michael et Grand Croix de celui de la Légion d'Honneur de France, Chevalier Grand Croix des ordres de l'aigle noir et de l'aigle rouge de Prusse, de l'annonciade de Sardaigne de Charles III. d'Espagne, de St. Ferdinand et du mérite de Naples, de l'Eléphant de Danemarc, de l'Etoile Polaire de Suède, de la Couronne de Wurtemberg, des Guelphes de Hanovre, du Lion Belge, de la Fidèlité de Bade, et de St. Constantin de Parme: et Pierre de Poletica, Conseiller d'état actuel, Chevalier de l'ordre de St. Anne de la 1re classe et Grand Croix de l'ordre de St. Wladimir de la seconde; lesquels après avoir échangé leurs plein pouvoirs, trouvés en bonne et du forme, ont arrêté et signé les stipulations suivantes:

Art. 1. Il est convenu que dans aucune partie du grand océan, appelé communément Océan Pacifique ou Mer de Sud, les citoyens ou sujets respectifs des hautes puissances contractantes ne seront ni troublés, ne gênés soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté, aborder aux côtes sur des points qui ne seroient pas déjá occupés, afin d'y faire le commerce avec les indigènes, sauf toutefois les restrictions et conditions déterminées par les articles qui suivent.

Art. 2. Dans la vue d'empêcher que les droits de navigation et de pêche exercées sur le grand océan par les citoyens et sujets des hautes puissances contractantes ne deviennent le prétexte d'un commerce illicite, il est convenu, que les citoyens des Etats Unis n'aborderont à aucun point où il se trouve un établissement Russe, sans la permission du Gouverneur ou Commandant; et que réciproquement les sujets Russes ne pourront aborder sans permission à aucun établissement des Etats-Unis sur la côte nord ouest.

Art. 3. Il est convenu en outre, que dorénavant il ne pourra être formé par les citoyens des Etats Unis, ou sous l'autorité des dits états, aucun établissement sur la côte nord ouest d'Amérique, ni dans aucune des iles adjacentes *au nord* du cinquante quatrième degré et quarante minutes de latitude septentrionale; et que de même il n'en pourra être formé aucun par des sujets Russes, ou sous l'autorité de la Russie, *au sud* de la même parallèle.

Art. 4. Il est néanmoins entendu que pendant un terme de dix années à compter de la signature de la présente con-

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vention, the ships of both powers, or which belong to their citizens or subjects, respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbours, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

for 10 years for fishing & trade.

Articles always excepted from this trade.

ART. 5. All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two powers engage, reciprocally, neither to sell, or suffer them to be sold to the natives, by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced in any case, to authorize either search or detention of the vessels, seizure of the merchandise, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article, by their respective citizens or subjects.

Ratifications to be exchanged in ten months.

ART. 6. When this convention shall have been duly ratified by the president of the United States, with the advice and consent of the senate on the one part, and on the other by his majesty the emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner, if possible. In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at St. Petersburg, the 17 (5) April of the year of grace one thousand eight hundred and twenty-four.

HENRY MIDDLETON. [L. S.]
Le Comté CHARLES NESSELRODE, [L. S.]
PIERRE DE POLETICA. [L. S.]

[NOTE.—Ratifications exchanged at Washington on the eleventh of January, 1825. On the part of the United States, "fishing and trading with the natives," on the coast of the South Sea, "to the *north* of 54 deg. 40 minutes north latitude—and on the part of Russia, *south* of the same parallel—restricted to ten years; consequently this treaty stipulation expires in 1834.]

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vention, les vaisseaux de deux puissances, ou qui appartiendroient à leurs citoyens ou sujets respectifs, pourront reciproquement fréquenter, sans entrave quelconque, les mers intérieurs, les golfes, hâvres, et criques sur la côte mentionée dans l'article précédent, afin d'y faire la pêche et le commerce avec les naturels du pays.

Art. 5. Sont toutefois exceptées de ce même commerce accordé par l'article précédent, toutes les liqueurs spiritueuses, les armes à feu, armes blanches, poudre, et munitions de guerre de toute espèce, que les deux puissances s'engagent reciproquement à ne pas vendre, ni laisser vendre aux Indigènes par leur citoyens et sujets respectifs, ni par aucun individu qui se trouveroit sous leur autorité. Il est également stipulé que cette restriction ne pourra jamais servir de pretexte, ni être alleguée dans aucun cas, pour autoriser soit la visite ou la détention des vaisseaux, soit la saisie de la marchandise, soit enfin des mesures quelconques de contrainte envers les armateurs ou les équipages qui feroient ce commerce; les hautes puissances contractantes s'étant réciproquement reservé de statuer sur les peines à encourir, et d'infliger les amendes encourues en cas de contravention à cet article, par leurs citoyens ou sujets respectifs.

Art. 6. Lorsque cette convention aura été duement ratifiée par le président des Etats Unis de l'avis et du consentement du sénat, d'une part, et de l'autre par sa Majesté l'Empereur de toutes les Russies, les ratifications en seront échangées à Washington dans le délai de dix mois de la date ci-dessous ou plutôt si faire se peut. En foi de quoi les plénipotentiaires respectifs l'ont signée, et y ont fait apposer les cachets de leurs armes.

Fait à St. Pétersbourg le 17 (5) Avril de l'an de grâce mil huit cent vingt quatre.

HENRY MIDDLETON. [L. S.]
Le Comté CHARLES NESSELRODE. [L. S.]
PIERRE DE POLETICA. [L. S.]

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1826.
April 26.

TREATIES WITH DENMARK.

No. 1.—*General Convention of Friendship, Commerce, and Navigation, between the United States of America and his majesty the King of Denmark.*

Peace, &c.

The United States of America and his majesty the king of Denmark, being desirous to make firm and permanent the peace and friendship which happily prevail between the two nations, and to extend the commercial relations which subsist between their respective territories and people, have agreed to fix, in a manner clear and positive, the rules which shall in future be observed between the one and the other party, by means of a general convention of friendship, commerce, and navigation. With that object, the president of the United States of America has conferred full powers on Henry Clay, their secretary of state, and his majesty the King of Denmark, has conferred like powers on Peter Pedersen, his privy counsellor of legation, and minister resident near the said states, knight of the Dannebrog, who, after having exchanged their said full powers, found to be in due and proper form, have agreed to the following articles:

Commerce and navigation.

ART. 1. The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional.

Navigation, equality, and reciprocity.

ART. 2. The contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens and subjects of each may frequent all the coasts and countries of the other, (with the exception hereafter provided for in the sixth article,) and re-

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side and trade there in all kinds of produce, manufactures, and merchandise; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which native citizens or subjects do, or shall enjoy, submitting themselves to the laws, decrees, and usages, there established, to which native citizens or subjects are subjected. But is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

Produce and manufactures, reciprocal duties, &c.

ART. 3. They likewise agree that whatever kind of produce, manufacture, or merchandize, of any foreign country, can be, from time to time, lawfully imported into the United States, in vessels belonging wholly to the citizens thereof, may be also imported in vessels wholly belonging to the subjects of Denmark; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufacture, or merchandize, of any foreign country, can be, from time to time, lawfully imported into the dominions of the King of Denmark, in the vesssels thereof, (with the exception hereafter mentioned in the sixth article,) may be also imported in the vessels of the United States; and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And they further agree, that whatever may be lawfully exported or re-exported, from the one country in its own vessels, to any foreign country, may in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties and drawbacks, shall be allowed and collected whether such exportation or re-exportation be made in vessels of the United States or of Denmark. Nor shall higher or other charges of any kind be imposed in the ports of one party, or vessels of the other, than are, or shall be, payable in the same ports by native vessels.

Reciprocal duties the basis of this treaty.

ART. 4. No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominions of his majesty the king of Denmark; and no higher or other duties shall be imposed on the importation into the said dominions of any article, the produce or manufacture of the United States, than are, or shall be payable on the like articles, being the produce or manufacture of any other foreign country. Nor shall any higher or

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other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to the dominions of his majesty the king of Denmark, respectively, than such as are, or may be, payable on the exportation of the like articles to any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufacture of the United States, or of the dominions of his majesty the king of Denmark, to, or from, the territories of the United States, or to or from the said dominions, which shall not equally extend to all other nations.

Sound, or the Belt, duties.

ART. 5. Neither the vessels of the United States nor their cargoes shall, when they pass the Sound, or the Belts, pay higher or other duties than those which are or may be paid by the most favored nation.

Possessions excepted, in this convention.

ART. 6. The present convention shall not apply to the northern possessions of his majesty the king of Denmark; that is to say, Iceland, the Ferroe Islands, and Greenland, nor to places situated beyond the Cape of Good Hope, the right to regulate the direct intercourse with which possessions and places is reserved by the parties respectively. And it is further agreed that this convention is not to extend to the direct trade between Denmark and the West India colonies of his Danish majesty, but in the intercourse with those colonies, it is agreed that whatever can be lawfully imported into or exported from the said colonies in vessels of one party from or to the ports of the United States, or from or to the ports of any other foreign country, may, in like manner, and with the same duties and charges, applicable to vessel and cargo, be imported into or exported from the said colonies in vessels of the other party.

Both parties may dispose of their effects or remove them on paying the usual duties of their respective nations.

ART. 7. The United States and his Danish majesty mutually agree, that no higher or other duties, charges, or taxes of any kind, shall be levied in the territories or dominions of either party, upon any personal property, money, or effects, of their respective citizens or subjects, on the removal of the same from their territories or dominions reciprocally, either upon the inheritance of such property, money, or effects, or otherwise, than are or shall be payable in each state, upon the same, when removed by a citizen or subject of such state respectively.

Consuls and Vice Consuls.

ART. 8. To make more effectual the protection which the United States and his Danish Majesty shall afford, in future, to the navigation and commerce of their respective citizens

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and subjects, they agree mutually to receive and admit Consuls and Vice Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges, and immunities, of the Consuls and Vice Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Rights, privileges, &c. of the same.

ART. 9. In order that the Consuls and Vice Consuls of the contracting parties may enjoy the rights, privileges, and immunities, which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited; and having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

Concerning consuls.

ART. 10. It is likewise agreed, that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay, on account of commerce, or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in every thing besides subject to the laws of the respective states. The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever, shall any magistrate seize, or in any way interfere with them.

Convention to be in force for ten years.

ART. 11. The present convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years; and it is hereby agreed, between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this convention, and all the provisions thereof, shall altogether cease and determine.

Convention to be approved of by the President, &c.

ART. 12. This convention shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by his Majesty the King of Denmark, and the ratifications shall be exchanged in the city of Copenhagen, within eight months from the date of the signature hereof, or sooner, if possible.

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In faith whereof, we, the Plenipotentiaries of the United States of America, and of his Danish Majesty, have signed and sealed these presents.

Ratification.

Done in triplicate, at the city of Washington, on the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and twenty-six, in the fiftieth year of the Independence of the United States of America.

H. CLAY,
PR. PEDERSEN.

ADDENDUM.

Addendum.

Mr Clay to Mr Pedersen.

DEPARTMENT OF STATE, *Washington, April* 25, 1826.

The undersigned, secretary of state of the United States, by direction of the president thereof, has the honor to state to Mr Pedersen, the minister resident of his majesty the king of Denmark, that it would have been satisfactory to the government of the United States, if Mr Pedersen had been charged with instructions in the negotiation which has just terminated, to treat of the indemnities to citizens of the United States, in consequence of the seizures, detention, and condemnation of their property, in the ports of his Danish Majesty. But as he has no instructions to that effect, the undersigned is directed, at and before proceeding to the signature of the treaty of friendship, commerce, and navigation, on which they have agreed, explicitly to declare, that the omission to provide for those indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the government of the United States, which, on the contrary, is firmly resolved to persevere in pursuit of them, until they shall be finally arranged, upon principles of equity and justice.* And, to guard against any misconception of the fact of the silence of the treaty, in the above particular, or of the views of the American government, the undersigned requests that Mr Pedersen will transmit this official declaration to the government of Denmark. And he avails himself of this occasion to tender to Mr Pedersen assurances of his distinguished consideration.

*See the following treaty of 28 March, 1830.

H. CLAY.

The Chevalier PEDERSEN, *minister resident from Denmark.*

The Chevalier Peter Pedersen to Mr Clay.

WASHINGTON, *25th April*, 1826.

The undersigned, minister resident of his majesty the king of Denmark, has the honor, herewith, to acknowledge having received Mr Clay's official note of this day, declaratory of the advanced claims against Denmark, not being waived, on the part of the United States, by the convention agreed upon, and about to be signed, which note he, as requested, will transmit to his government. And he avails himself of this occasion to renew to Mr Clay assurances of his distinguished consideration.

P. PEDERSEN.

To the Hon. Henry Clay, *secretary of state of the United States.*

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No. 2.—*Convention between the United States of America and his Majesty the King of Denmark, signed at Copenhagen, the 28th March, 1830.*

Convention entre les Etats Unis d'Amérique, et Sa Majesté le Roi de Dannemarc, signée à Copenhague, le 28 Mars, 1830.

1830. March 28.

The United States of America and his Majesty the King of Denmark, being equally desirous of terminating the discussions which have taken place between them, in respect to the claims and pretensions formed by the citizens of the United States and the subjects of Denmark, having for their object, the seizure, condemnation or confiscation of their vessels, cargoes, or property whatsoever, within the territory, or under the authority of the respective governments, have named for this purpose, and furnished with their full powers: that is to say, the president of the United States of America, by, and with the advice and consent of the senate, Henry Wheaton, chargé d'affaires of the said United States at the court of his Majesty, the King of Denmark, &c. and his Majesty the King of Denmark, the Sieur Ernest Henry, count de Schimmelman, knight of the order of the Elephant, grand cross of the order of Dannebrog, decorated with the silver cross of the same order, his minister (intime) of state, chief of his department of foreign affairs, &c. and the Sieur Paul Christian de Stemann, of the order of

Les Etats Unis d'Amérique et sa Majesté le Roi de Dannemarc, désirant également mettre fin aux discussions, qui se sont élevées, de part et d'autre, à l'égard des reclamations et prétentions, formées par les citoyens des Etats Unis et les sujets du Dannemarc, ayant pour motif, la saisie, détention, condamnation, ou confiscation, de leurs navires, cargaisons, ou propriétés, quelconques, dans les territoires ou sous l'autorité des gouvernements respectifs, ont nommé à cet effet, et muni de leurs pleins-pouvoirs; à savoir, le Président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat, le Sieur Henry Wheaton, chargé d'affaires des dits Etats Unis près la cour de sa Majesté le Roi de Dannemarc, &c.; et sa Majesté le Roi de Dannemarc, le Sieur Ernest Henri, comté de Schimmelmann, chevalier de l'ordre de l'Eléphant, grand croix de celui du Dannebrog, décoré de la croix d'argent du même ordre, son ministre (intime) d'état, chef de son department des affaires étrangères, etc. et le Sieur Paul Chretien de Stemann, chevalier de l'ordre de l'Eléphant, grand croix de ce-

Treaty of Indemnity.

Negotiators.

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1830. March 28.

the Elephant, grand cross of the order of Dannebrog, decorated with the silver cross of the same order, his minister (intime) of state and of justice, president of his Danish chancery, etc., and the said plenipotentiaries, after having exchanged their full powers, found in good and due form, have agreed upon and concluded the following articles:

Renunciation of American claims by Denmark:

ART. 1. His Majesty the King of Denmark renounces the indemnities which might be claimed from the government of the United States of America, for the subjects of Denmark, on account of the seizure, detention and condemnation or confiscation of their vessels, cargoes or property whatsoever, under the authority of the said government; and his majesty engages, moreover, to pay to the said government, the sum of

And $650,000 to be paid to the citizens of the United States:

six hundred and fifty thousand Spanish milled dollars, on account of the citizens of the United States, who have preferred claims relating to the seizure, detention, condemnation or confiscation of their vessels, cargoes or property whatsoever, by the public and private armed ships, or by the tribunals of Denmark, or in the states subject to the Danish sceptre.

As follows:

ART. 2. The payment of the above sum of six hundred and fifty thousand Spanish milled dollars, shall be made, in the

1831, March, $216,666 67,

times and manner following: On the 31st March, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two thirds of a dollar.

Sept'mbr. $216,666 67,

On the 30th September, 1831, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

1832, Sept'br., $216,666 67.

On the 30th September, 1832, two hundred and sixteen thousand six hundred and sixty-six dollars and two-thirds of a dollar.

To the second payment shall be added the interest for that, and for the last payment, at four per centum per annum, to be computed from the first payment, on the 31st March, 1831.

Interest to be added.

To the third payment shall also be added the interest for that payment, at four per centum per annum, to be computed from the second payment, on the 30th September, 1831.

The above sums, thus specified in Spanish milled dollars, shall be paid in bills of exchange, at fifteen days sight, at Hamburgh; for the payment of which the Danish government shall be responsible.

At the time when the first payment shall be made, on the 31st March, 1831, two obligations, corresponding to the two last payments to be effected for the capital and interest there-

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lui du Dannebrog, décoré de la croix d'argent du même ordre, son ministre (intime) d'état et de justice, président de sa chancellerie Danoise, etc.; lesquels plénipotentiaires après avoir échangé leurs pleins pouvoirs qui furent trouvés en bonne et due forme, ont arrêté et conclu les articles suivans: 1830. March 28.

Art. 1. Sa Majesté le Roi de Dannemarc renonce aux indemnités, qui pourroient être reclamées du gouvernement des Etats Unis d'Amérique, pour des sujets Danois, à cause des saisies, detentions, condamnations ou confiscations de leurs navires, cargaisons ou propriétés quelconques, sous l'autorité du dit gouvernement; et sa Majesté s'engage en outre, à payer au dit gouvernement, la somme de six cent cinquante mille piastres, en faveur des citoyens des Etats Unis, qui ont élevé des reclamations au sujet de la saisie, détention, condamnation ou confiscation de leurs navires, cargaisons ou propriétés quelconques, par les vaisseaux de guerre et armateurs, ou par les tribunaux du Dannemarc ou dans les états soumis au sceptre Danois.

Art. 2. L'acquittement de la somme de six cent cinquante mille piastres se fera de la manière et aux termes suivans:

Le 31 Mars, 1831, deux cent seize mille six cent soixante-six et deux-tiers de piastres.

Le 30 Septembre, 1831, deux cent seize mille six cent soixante-six et deux-tiers de piastres.

Le 30 Septembre, 1832, deux cent seize mille six cent soixante-six et deux-tiers de piastres.

Au second terme de payement, seront ajoutés les interêts pour cette somme, et pour celle à payer au dernier terme, de quatre pour cent par an, à compter depuis le terme du premier payement du 31 Mars 1831.

Au troisième terme seront également ajoutés les interêts pour cette dernière somme de quatre pour cent par an, à compter du second terme du 30 Septembre, 1831.

Les sommes ci-dessus spécifiées en piastres seront acquittées par des lettres de change, à quinze jours de vûe, payables à Hambourg, pour le payement des quelles, le gouvernement Danois restera responsable.

En même tems que le payement du premier terme du 31 Mars, 1831, aura lieu, deux obligations, qui corresponderont aux deux derniers terms ci-dessus indiqués, pour le capital et

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1830. March 28.

of, shall be issued by the direction for the public debt and the sinking fund of Denmark, to the order of the department of foreign affairs of Denmark, and assigned to the government of the United States. By the said obligations, his majesty the king of Denmark shall acknowledge himself debtor, for the sums not yet paid to the government of the United States of America, and the same shall be delivered to such person or persons, as may be authorized to receive the same by the said government; and when the said obligations are to be discharged, according to the tenor thereof, by the Danish government, the person or persons authorized by the government of the United States, to receive the stipulated payments, shall deliver up the said obligations with receipts for the amount thereof, from the said government.

Board of three Commissioners to decide on claims.

ART. 3. To ascertain the full amount, and validity of the claims, mentioned in article 1, a board of commissioners, consisting of three citizens of the United States, shall be appointed by the president, by and with the advice and consent of the senate, who shall meet at Washington, and within the space of two years from the time of their first meeting shall receive, examine and decide upon, the amount and validity of all such claims, according to the merits of the several cases, and to justice, equity and the law of nations.

The commissioners shall take an oath or affirmation, to be entered in the journal of their proceedings, for the faithful and diligent discharge of their duties.

In case of the death, sickness or necessary absence of any commissioner, his place may be supplied by the appointment of another commissioner, in the manner before mentioned, or during the recess of the senate, by the president of the United States. The commissioners shall be authorized to hear and examine, on oath or affirmation, every question relating to such claims, and to receive all suitable authentic testimony concerning the same.

Documents to be delivered up by Denmark.

In order to facilitate the proceedings of this board, his majesty the king of Denmark engages, when thereunto required, to cause to be delivered to any person or persons, who shall be duly authorized for that purpose, by the government of the United States, in addition to the papers already delivered, all the acts, documents, ships' papers and prize proceedings, which may still remain in the archives of the high court of admiralty, or the prize tribunals of Denmark, relating to the seizure, detention, condemnation or confiscation, of the ves-

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les intérêts, seront émises par la direction de la dette d'état et du fond d'amortissement du Dannemarc, à l'ordre du département des affaires étrangères du Dannemarc, et transportées au gouvernement des Etats Unis. En vertu de ces obligations, sa Majesté le Roi de Dannemarc, se reconnoitra, comme débiteur des sommes point encore payées au gouvernement des Etats Unis d'Amérique, et elles seront délivrées à celui ou à ceux qui seront dûment autorisés à cet effet, par le dit gouvernement. Quand l'acquittement de ces obligations s'effectuera dans les termes qu'elles sont remboursables de la part du gouvernement Danois, la personne ou les personnes dûment autorisées par le gouvernement des Etats Unis pour recevoir le payement stipulé, remettront en même temps, ces obligations munies des quittances du dit gouvernement.

Art. 3. Pour déterminer le montant précis et la validité des reclamations des citoyens des Etats Unis, mentionnées dans l'article 1, une commission composée de trois citoyens des Etats Unis, sera nommée par le Président, par et avec, l'avis et le consentement du Sénat; ces commissaires s'assembleront à Washington, et avant que deux ans, à compter du jour de leur première séance, se seront ecoulés, ils doivent avoir reçu toutes ces reclamations, et avoir examiné et décidé leur montant et leur validité, d'après les circonstances spéciales de chaque cas, la justice, l'équité et le droit des gens.

Les commissaires prêteront serment, ou donneront des affirmations à insérer dans le journal de leurs procédés, qu'ils rempliront fidèlement et assidûment leurs devoirs.

En cas de décès, de maladie ou d'absence indispensable d'un des commissaires, sa place sera remplie par la nomination d'un autre commissaire de la manière sus mentionnée, ou durant les vacances du Sénat, par le Président des Etats Unis.

Les commissaires seront autorisés à se faire rendre compte, et à examiner chaque question relative à ces reclamations, et à se faire donner sous serment ou affirmation, tous les témoignages convenables et authentiques qui les concernent.

A fin de faciliter les travaux de cette commission, sa Majesté le Roi de Dannemarc, s'engage lorsque la réquisition en sera faite, outre les documens déjà remis à faire délivrer à celui ou à ceux qui seront dûment autorisés à cet effet, par le gouvernement des Etats Unis, tous les actes, documens, papiers de bord, et pieces de procès qui pourroient encore se trouver dans les archives de la Haute Cour d'Amirauté, ou des tribunaux de prises du Dannemarc, relativement à la saisie, détention condamnation ou confiscation des navires, car-

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sels, cargoes or property whatsoever, belonging to the citizens of the United States of America before the said tribunals.

The commissioners shall award, and cause to be distributed among the several parties, whose claims shall be allowed by the board, the sum mentioned in article 1 and 2, in a ratable proportion to the amount of the respective claims thus allowed.

Claims definitively settled.

ART. 4. In consideration of the renunciation and payments mentioned in article 1 and 2, on the part of his majesty the king of Denmark, the government of the United States declares itself entirely satisfied, not only in what concerns the said government, but also in what concerns the citizens of the said United States, on account of the claims hitherto preferred, or which may hereafter be preferred, relating to the seizure, detention, condemnation or confiscation, of their vessels, cargoes, or property whatsoever, which in the last maritime war, of Denmark, have taken place under the flag of Denmark, or in the states subject to the Danish sceptre; and the said claims shall consequently be regarded as definitively and irrevocably terminated.

Limited object of this treaty.

ART. 5. The intention of the two high contracting parties, being solely to terminate, definitively and irrevocably, all the claims which have hitherto been preferred, they expressly declare, that the present convention is only applicable to the cases therein mentioned; and having no other object, can never, hereafter, be invoked by one party or the other, as a precedent or rule for the future.

Ratification.

ART. 6. The present convention shall be duly ratified by the high contracting parties, and the ratifications shall be exchanged at Washington, in the space of ten months, or sooner if possible.

In faith thereof, and in virtue of our respective full powers, we have signed the present convention, and have thereunto set the seals of our arms.

Done at Copenhagen, this 28th day of March, 1830.

HENRY WHEATON, [L. s.]
E. H. SCHIMMELMANN, [L. s.]
STEMANN. [L. s.]

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gaisons ou propriétés quelconques, des citoyens des Etats Unis d'Amérique par devant ces tribunaux.

La dite commission adjugera et fera distribuer entre les différentes parties dont elle admettra les reclamations, les sommes mentionnées dans l'article 1 et 2, dans la proportion et pro rata à leurs reclamations respectives, qui auront été ainsi admises.

Art. 4. Moyenant les renonciations et payemens, mentionnées dans l'article 1 et 2, de la part de sa Majesté le Roi de Dannemarc, le gouvernement des Etats Unis déclare, qu'il se régarde comme entièrement satisfait, non seulement pour ce qui le concerne, mais aussi pour ce qui concerne les citoyens des dits états, à raison des reclamations mises en avant jusqu'ici ou qui pourroient être élevées à l'avenir, avant pour objet la saisie, détention, condamnation ou confiscation de leurs navires, cargaisons ou propriétés quelconques, qui dans la dernière guerre maritime du Dannemarc, ont eu lieu sous le pavillon de Dannemarc, ou dans les états soumis au sceptre Danois, et les dites reclamations seront par conséquent régardées comme définitivement et irrévocablement terminées.

Art. 5. L'intention des deux hautes parties contractantes étant, uniquement, de terminer définitivement et irrévocablement, toutes les reclamations qui, jusqu'ici, ont en lieu, elles déclarent expresséments, que la présente convention n'est applicable qu'aux cas désignés, et que n'ayant d'autre but, elle ne saura jamais de part ou d'autre dans l'avenir, être invoquée comme un précédent, ou comme règle pour le futur.

Art. 6. La présente convention sera dûment ratifiée par les hautes parties contractantes, et les ratifications seront échangées à Washington, dans l'espace de dix mois, ou plutôt, si faire se peut.

En foi de quoi, et en vertu de nos pleins pouvoirs respectifs, nous avons signé la presente convention et y fait apposer les sceaux de nos armes.

Fait à Copenhague, ce 28me jour de Mars, 1830.

HENRY WHEATON, [L. S.]
E. H. SCHIMMELMANN, [L. S.]
STEMANN. [L. S.]

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1827. December 20.

TREATY WITH THE HANSEATIC REPUBLICS.

[ORIGINAL.]

Convention of friendship, commerce, and navigation, between the United States of America, and the Free Hanseatic Republics of Lubeck, Bremen, and Hamburg.

Rules to be observed in commercial intercourse.

The United States of America, on the one part, and the Republic and Free Hanseatic City of Lubeck, the Republic and Free Hanseatic City of Bremen, and the Republic and Free Hanseatic City of Hamburg, (each state for itself separately,) on the other part, being desirous to give greater facility to their commercial intercourse, and to place the privileges of their navigation on a basis of the most extended liberality, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall be observed between the one and the other, by means of a convention of friendship, commerce, and navigation.

Negotiators.

For the attainment of this most desirable object, the president of the United States of America has conferred full powers on Henry Clay, their secretary of state; and the senate of the Republic and Free Hanseatic City of Lubeck, the senate of the Republic and Free Hanseatic City of Bremen, and the senate of the Republic and Free Hanseatic City of Hamburg, have conferred full powers on Vincent Rumpff, their minister plenipotentiary near the United States of America, who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

Perfect reciprocity in importation of merchandise, and tonnage, &c.

ART. 1. The contracting parties agree, that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the said Free Hanseatic Republics of Lubeck, Bremen, and Hamburg, and that no higher or other duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the United States, or of either of the said Hanseatic Republics. And, in like manner, that whatever kind of produce, manufacture, or merchandise of any foreign country, can be, from time to time, lawfully imported into either of the said Hanseatic Republics, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the impor-

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[ORIGINAL.]

Convention d'amitié, de commerce, de navigation, entre les Républiques libres et Anséatiques, de Lubeck, Bremen, et Hambourg, et les Etats Unis d'Amérique.

La République et Ville libre et Anséatique de Lubeck, la République et Ville libre et Anséatique de Bremen, et la République et Ville libre et Anséatique de Hambourg, (chacun de ces états pour soi séparément) d'une part; et les Etats Unis d'Amerique, d'autre part; desirant accorder plus de facilités à leurs relations commerciales, et établir les privilèges de leur navigation sur les bases de la liberalité la plus étendue; sont convenus d'arrêter d'une manière claire, distincte, et positive, par une convention d'amitié de commerce, et de navigation, les règles qui doivent être observées entre eux.

Pour atteindre ce but désirable, le sénat de la République et Ville libre et Anséatique de Lubeck, le sénat de la République et Ville libre et Anséatique de Bremen, et le sénat de la République et Ville libre et Anséatique de Hambourg, ont muni de pleins pouvoirs, Vincent Rumpff, leur ministre plénipotentiaire près les Etats Unis d'Amérique; et le président des Etats Unis d'Amérique a muni de pleins pouvoirs Henri Clay, leur secrétaire d'état; lesquels, après avoir echangé leurs dits pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les articles suivans:

ART. 1. Les partes contractantes conviennent que toutes sortes de productions, manufactures, ou marchandises provenant de quelque pays étranger que ce soit, qui, de temps à autre pourront être légalement importées dans l'une desdites Républiques Anséatiques de Lubeck, Bremen, et Hambourg par leurs propres bâtimens, pourront aussi y être importées par les bâtimens des Etats Unis; et qu'il ne sera imposé ni perçu sur le tonnage ou la cargaison du bâtiment, d'autres, ni de plus forts droits, soit que l'importation ait lieu par bâtimens de l'une desdites Républiques, soit par ceux des Etats Unis. Et pareillement, que toutes sortes de productions, manufactures, ou marchandises, provenant de quelque pays étranger que ce soit, qui, de temps à autre, pourront être également importées dans les Etats Unis, par bâtimens desdits états, pourront également y être importées par les bâti-

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Regulation respecting bounties and drawbacks.

tation be made in vessels of the one party, or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, by one party in its own vessel, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other party. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one party, or of the other. Nor shall higher, or other charges of any kind, be imposed in the ports of the one party, on vessels of the other, than are, or shall be, payable in the same ports by national vessels.

Importation & exportation, placed on a footing of equality.

ART. 2. No higher or other duties shall be imposed on the importation, into the United States, of any article, the produce or manufacture of the Free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and no higher or other duties shall be imposed on the importation, into either of the said republics, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country; nor shall any other, or higher duties or charges, be imposed byeither party on the exportation of any articles to the United States, or to the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, respectively, than such as are, or shall be, payable, on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the importation or exportation of any article, the produce or manufacture of the United States, or of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, to, or from, the ports of the United States, or to, or from, the ports of the other party, which shall not equally extend to all other nations.

Preference in purchases, not to be allowed by either party.

ART. 3. No priority or preference shall be given, directly or indirectly, by any or either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article, the growth, produce, or manufacture of their states, respectively imported into the other, on account of, or in reference to, the

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mens desdites Républiques Anséatiques; et qu'il ne sera imposé ni perçu, sur le tonnage ou la cargaison du bâtiment, d'autres, ni de plus forts droits, soit que l'importation ait lieu par bâtimens de l'une des parties, soit par ceux de l'autre. Elles conviennent, en outre, que tout ce qui pourra être légalement exporté ou re-exporté, pour quelque pays étranger que ce soit, par les bâtimens de l'une des partes contractantes, pourra également en être exporté ou re-exporte, par ceux de l'autre partie; et les mêmes droits, primes et remboursemens de droits seront perçus et alloués soit que l'exportation ou la re-exportation ait lieu par bâtimens de l'une des parties, soit par ceux de l'autre. Il ne sera imposé dans les ports de l'une des deux parties, sur les batimens de l'autre, aucuns droits ou charges, de quelque nature, qu'ils puissent être, plus forts ou autres que cuex qui seront imposés dans les mêmes ports sur les bâtimens nationaux.

Art. 2. Il ne sera imposé d'autres, ni de plus forts droits sur l'importation dans les Républiques libres et Anséatiques de Lubeck, Bremen, et Hambourg des articles provenant du sol ou des manufactures des Etats Unis; et il ne sera imposé d'autres ni de plus forts droits sur l'importation dans les Etats Unis des articles provenant du sol ou des manufactures desdites Républiques, que ceux qui sont, ou seront imposés sur les mêmes articles provenant du sol ou des manufactures de tout autre pays étranger. De même, il ne sera imposé, par l'une des parties, sur l'exportation de quelque article que ce soit, pour les Républiques libres et Anséatiques, de Lubeck, Bremen, et Hambourg, ou pour les Etats Unis, respectivement, d'autres, ni de plus forts droits que ceux qui sont ou seront imposés sur l'exportation des mêmes articles pour tout autre pays étranger. De même, il ne sera imposé sur l'importation ou sur l'exportation des articles provenant du sol ou des manufactures des Républiques libres et Anséatiques de Lubeck, Bremen, et Hambourg, ou des Etats Unis à l'entrée au à la sortie des ports des Républiques Anséatiques, au de ceux de l'autre partie, aucune prohibition qui ne soit pas également applicable à toute autre nation.

Art. 3. Il ne sera accordé, ni directement, ni indirectement, par l'une ou par l'autre des parties contractantes, ni par aucune compagnie, corporation, ou agent agissant en son nom, ou par son autorité, aucune priorité ou préférence quelconque, pour l'achat d'aucune production du sol ou de l'industrie de leurs états réspectifs, importée, dans le territoire de l'autre

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character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties, that no distinction or difference whatever shall be made in this respect.

The three Hanseatic cities, in relation to crews, to be considered as one people:

ART. 4. In consideration of the limited extent of the territories of the Republics of Lubeck, Bremen, and Hamburg, and of the intimate connexion of trade and navigation subsisting between these Republics, it is hereby stipulated and agreed, that any vessel which shall be owned exclusively by a citizen or citizens of any or either of them, and of which the master shall also be a citizen of any or either of them, and provided that three-fourths of the crew shall be citizens or subjects of any or either of the said Republics, or of any or either of the states of the confederation of Germany, such vessel, so owned and navigated, shall, for all the purposes of this convention, be taken to be, and considered as, a vessel belonging to Lubeck, Bremen, or Hamburg.

Same in relation to clearances.

ART. 5. Any vessel, together with her cargo, belonging to either of the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, and coming from either of the said ports to the United States, shall for all the purposes of this convention, be deemed to have cleared from the Republic to which such vessel belong; although, in fact, it may not have been the one from which she departed; and any vessel of the United States, and her cargo, trading to the ports of Lubeck, Bremen, or Hamburg, directly, or in succession, shall, for the like purposes, be on the footing of a Hanseatic vessel, and her cargo, making the same voyage.

Citizens of both parties, to be on an equal footing

ART. 6. It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both parties, to manage, themselves, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading and sending off their ships; submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected; they being, in all these cases, to be treated as citizens of the Republic in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nation.

ART. 7. The citizens of each of the contracting parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by sale, donation, testament, or otherwise;

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à cause, ou en considération de la nationalité du navire qui aurait transporté cette production, soit qu'il appartenant à l'une des parties, soit à l'autre: l'intention bien positive des deux parties contractantes étant qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

Art. 4. En considération de l'étendue limitée des territoires des républiques de Lubeck, Bremen, et Hambourg, et de l'intime liaison commerce et de navigation subsistante entre ces républiques; il est ici stipulé et convenu, que tout navire appartenant exclusivement à un ou plusieurs citoyens de l'une ou des autres desdites républiques, et dont le capitaine sera aussi citoyen de l'une desdites républiques; pourvu que les trois quarts de l'équipage se composent de citoyens ou sujets d'une ou de plusieurs desdites républiques, ou d'un ou de plusieurs des états de la confédération Germanique; ledit navire sera considéré pour tous les objets de cette convention, comme navire appartenant à Lubeck, Bremen, ou Hambourg.

Art. 5. Tout bâtiment, ainsi que sa cargaison appartenant à l'une des Républiques Anséatiques de Lubeck, Bremen, et Hambourg, et venant de l'un des ports des susdites républiques aux Etats Unis, sera considéré, pour tous les objets de cette convention, comme venant de la république à laquelle il appartient, quoique, dans le fait, ce port ne soit pas celui d'où il aurait fait voile; et tout bâtiment des Etats Unis, ainsi, que sa cargaison, trafiquant, directement, ou successivement, avec les ports de Lubeck, Bremen, et Hambourg, sera placé, pour ces mêmes objets, sur le même pied qu'un bâtiment Anséatique et sa cargaison, faisant le même voyage.

Art. 6. Il est, en outre, convenu, que les négocians, capitaines de navires, et autres citoyens des deux parties, pourront, eux mêmes, diriger librement leurs propres affaires, dans tous les ports et places soumis à la jurisdiction de chacune d'elles, tant pour se qui a rapport à la consignation et à la vente en gros et en détail de leurs denrées et marchandises, que pour ce qui régarde le chargement, déchargement, et expédition de leurs bâtiments, en se conformant aux lois, décrets et usages y établis, auxquels les citoyens de l'état sont assujettis; ils seront, dans tous ces cas, traité comme sujets de la république dans laquelle ils résideront; ou, du moins, ils seront placés sur le même pied que les citoyens ou sujets de la nation la plus favorisée.

Art. 7. Les citoyens de chacune des parties contractantes pourront disposer de leurs biens personnels, dans les limites de la jurisdiction de l'autre, par vente, donation, testament,

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and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are, shall be subject to pay in like cases: and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective states.

Exemption from the law of escheat, &c.

Special protection to persons and property of the citizens of both parties.

ART. 8. Both the contracting parties promise, and engage formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient, or dwelling therein, leaving open and free to them, the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents, shall have as free opportunity as native citizens to be present at the decisions and sentences of the tribunals, in all cases which may concern them; and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

No particular favors to be granted, not common to both.

ART. 9. The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy, frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

To be in force twelve years,

ART. 10. The present convention shall be in force for the term of twelve years from the date hereof: and further, until the end of twelve months after the government of the United States, on the one part, or the Free Hanseatic Republics of Lubeck, Bremen, or Hamburg, or either of them, on the other part, shall have given notice of their intention to terminate the

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ou autrement; et leurs héritiers, étant citoyens de l'autre partie, succéderont auxdits biens personnels, soit en vertu d'un testament, soit *ab intestato;* ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place; et ils en disposeront, à leur volonté, en ne payant d'autres droits que ceux auxquels les habitans du pays où se trouvent lesdit biens, sont assujettis en pareille occasion. Et si, dans le cas de biens immeubles, lesdits héritiers ne pouvaient entrer en jouissance de l'héritage, à cause de leur qualité d'étrangers, il leur sera accordé un délai de trois ans, pour en disposer à leur gré, et pour en retirer le produit sans obstacle, et exempt de tous droits de détraction, de la part des gouvernemens des états respectifs.

Art. 8. Les deux parties contractantes promettent, et s'engagent formélement d'accorder leur protection spéciale aux personnes et propriétés des citoyens de chacune d'elles, quelles que soient leurs occupations, qui pourraient se trouver dans les territoires soumis à leur jurisdiction, soit pour y voyager soit pour y séjourner; leur accordant pleine liberté de recourir aux cours de justice, pour leurs affaires litigieuses, aux mêmes conditions qui seront accordées, par l'usage, au citoyens du pays où ils se trouveront; et d'employer, dans leur procès, pour la défense de leurs droits, tels avocats, avoués, notaires, agens ou mandataires qu'ils trouveront convenable de choisir; et lesdits citoyens, et leurs agens, jouiront de la même liberté que ceux du pays d'assister aux décisions, et sentences des tribunaux, dans tous les cas où ils s'y trouveront intéressés, ainsi qu'à l'examen des témoins qui seraient appelés dans lesdits procès.

Art. 9. Les parties contractantes désirant vivre en paix et harmonie avec toutes les nations de la terre, en observant envers chacune, également, une politique franche et amicale; s'engagent mutuellement à n'accorder aucune faveur particuliere à d'autres nations, en fait de commerce et de navigation, qui ne devienne aussitôt commune à l'autre partie; et celle ci jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionnelle.

Art. 10. La présente convention sera en vigueur pendant douze ans à dater de ce jour; et audelà de ce terme, jusqu'à l'éxpiration de douze mois après que l'un ou l'autre des gouvernement des Républiques Anséatiques de Lubeck, Bremen, et Hamburg, d'une part, ou le gouvernement des Etats Unis, d'autre part, aura annoncé à l'autre son intention de la termi-

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same; each of the said contracting parties reserving to itself the right of giving such notice to the other, at the end of the said term of twelve years; and it is hereby agreed between them, that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall, altogether, cease and determine, as far as regards the states giving and receiving such notice; it being always understood and agreed, that, if one or more of the Hanseatic Republics aforesaid shall, at the expiration of twelve years from the date hereof, give or receive notice of the proposed termination of this convention, it shall nevertheless, remain in full force and operation, as far as regards the remaining Hanseatic Republics or Republic, which may not have given or received such notice.

and to terminate on 12 months notice.

Ratifications to be exchanged within nine months.

ART. 11. The present convention being approved and ratified by the president of the United States, by and with the advice and consent of the senate thereof; and by the senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner, if possible.

In faith whereof, we, the plenipotentiaries of the contracting parties, have signed the present convention; and have thereto affixed our seals.

Done in quadruplicate, at the City of Washington, on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, in the fifty-second year of the Independence of the United States of America.

[Signed] [L. S.] H. CLAY.
[L. S.] V. RUMPFF.

NOTE.—Ratifications were exchanged on the second day of June, 1828.

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1827. December 20.

ner; chacune des parties contractantes se réservant le droit de faire à l'autre une telle déclaration, au bout des douze ans susmentionnés; et il est convenu entre elles, qu'à l'expiration de douze mois après qu'une telle declaration de l'une des parties aura été reçue par l'autre, cette convention, et toutes les stipulations y contenues, cesseront d'être obligatoires, par rapport aux étsts qui donneront ou recevront cette déclaration: bien entendu et convenu que si l'une ou plusieurs des dites Républiques Anséatiques, à l'expiration de douze ans, à dater de ce jour, donnent ou reçoivent la déclaration de la cessation proposée de cette convention, la dite convention restera, néanmoins, en pleine force et effet par rapport a celle ou à celles des Républiques Anséatiques, qui n'aura, ou qui n'auront, ni donné ni reçu cette déclaration.

ART. 11. La présente convention étant approuvée et ratifée par les Sénats des Républiques Anséatiques de Lubeck, Bremen, et Hambourg, et par le Président des Etats Unis, par et avec l'avis et le consentement du Sénat desdits états, les ratifications en seront échangées à Washington dans l'espace de neuf mois, à dater de ce jour, ou plutôt, si faire se peut.

En foi de quoi les plénipotentiaires des parties contractantes ont signé la présente convention, et y ont apposé leurs sceaux.

Fait par quadruplicata, en la Cité de Washington, le vingt Décembre, l'an de grâce mil huit cent vingt sept, et le cinquante deuxième de l'Independance des Etats Unis d'Amérique.

[Signé] [L. S.] V. RUMPFF.
[L. S.] H. CLAY.

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DIPLOMATIC CODE

OF

The United States of North America.

PART II.

TREATIES WITH THE BARBARY POWERS.

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TREATY WITH MOROCCO.

Treaty of peace and friendship between the United States of America, and his imperial majesty the Emperor of Morocco.

To all persons to whom these presents shall come, or be made known.

Whereas the United States of America, in congress assembled, by their commission bearing date the twelfth day of May, one thousand seven hundred and eighty-four, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their ministers plenipotentiary; giving to them, or a majority of them, full powers to confer, treat, and negotiate with the ambassador, minister, or commissioner, of his majesty the emperor of Morocco, concerning a treaty of amity and commerce; to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in congress assembled, for their final ratification; and by one other commission, bearing date the eleventh day of March, one thousand seven hundred and eighty-five, did further empower the said ministers plenipotentiary, or a majority of them, by writing under their hands and seals, to appoint such agent in the said business as they might think proper, with authority, under the directions and instructions of the said ministers, to commence and prosecute the said negotiations and conferences for the said treaty, provided that the said treaty should be signed by the said ministers: and whereas we, the said John Adams and Thomas Jefferson, two of the said ministers plenipotentiary, (the said Benjamin Franklin being absent,) by writing under the hand and seal of the said John Adams, at London, October the fifth, one thousand seven hundred and eighty-five, and of the said Thomas Jefferson, at Paris, October the eleventh, of the same year, did appoint Thomas Barclay agent in the business aforesaid, giving him the powers therein, which, by the said second commission, we were authorized to give; and the said Thomas Barclay, in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America, and his majesty the emperor of Morocco, which articles written in the Arabic language, confirmed by his said majesty the emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, together

John Adams, Benjamin Franklin, and Thomas Jefferson, appointed by congress, on 12th May, 1784 to negotiate a treaty of amity and commerce with the emperor of Morocco &c. and empowered to appoint an agent, &c.

Thomas Barclay appointed agent.

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with the attestations thereto annexed, are in the following
28. words, to wit:

[Royal seal.]

IN THE NAME OF ALMIGHTY GOD.

Treaty of peace and friendship between the U. States and Morocco.

This is a treaty of peace and friendship, established between us and the United States of America, which is confirmed, and which we have ordered to be written in this book, and sealed with our royal seal, at our court of Morocco, on the twenty-fifth day of the blessed month of Shaban, in the year one thousand two hundred, trusting in God it will remain permanent.

Mutual agreement of the parties to the articles of the treaty.

ART. 1. We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to the honorable Thomas Barclay, the agent of the United States, now at our court, with whose approbation it has been made, and who is duly authorized, on their part, to treat with us concerning all the matters contained therein.

Neither party to take commissions from an enemy.

ART. 2. If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colors.

Persons or goods of one party, captured in an enemy vessel by the other, to be released.

ART. 3. If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods, belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

Enemy goods, laden on board a vessel of either party to pass free.

Vessels to have passports.

ART. 4. A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

Ships under convoy free.

Visit of vessels at sea.

ART. 5. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

Satisfaction for damages.

American citizens and effects to be restored.

ART. 6. If any Moor shall bring citizens of the United States, or their effects, to his majesty, the citizens shall im-

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1786. June 28.

mediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of his majesty, they shall be immediately released, as they will then be considered as under his majesty's protection.

Vessels in port to be supplied.

ART. 7. If any vessel of either party shall put into a port of the other, and have occasion for provisions, or other supplies, they shall be furnished without any interruption or molestation.

No duty in case of vessels putting in to repair

ART. 8. If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and re-load her cargo without paying any duty whatever.

Stranded vessels to be protected.

ART. 9. If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

Vessels putting in from stress of weather, not compelled to land cargoes.

Vessels engaged within gunshot of forts, to be protected.

ART. 10. If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the christian powers, within gunshot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible, until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

Vessels stranded at Wadnoon, &c.

Enemy vessels not allowed to follow for 24 hours, &c.

ART. 11. If we shall be at war with any christian power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow, until twenty-four hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or christians.

Ships of war not to be examined in port, &c.

ART. 12. If any ship of war belonging to the United States, shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place, compel them to be brought on shore, on any pretext, nor require any payment for them.

Fugitive slaves.

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Art. 13. If a ship of war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not with more or less.

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...rce on the
...ost favored
...ooting, &c.

Art. 14. The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation, for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and re-pass our country and seaports, whenever they please, without interruption.

Employment of interpreters, &c
Loading of vessels.

Art. 15. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

No detention in port.
Wages of laborers.

Prisoners to be exchanged.

Art. 16. In case of war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person, authorized by either of the parties.

Balance of prisoners to be paid for $100 per man.

Exchanges in 12 months, &c.

No compulsion in buying or selling.

Art. 17. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper; and may buy and sell all sorts of merchandise but such as are prohibited to the other christian nations.

No examination of goods on board, except on proof of contraband, &c.

Art. 18. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

No detention of vessels.

Art. 19. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

Freights, &c.

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1786. June 28.

ART. 20. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from our government, to enforce his decisions, it shall be immediately granted to him.

Disputes between Americans, &c. to be decided by the consul, &c.

ART. 21. If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

Killing or wounding on either side, punishable by the law of the country, &c.

Escape of delinquents.

ART. 22. If an American citizen shall die in our country and no will shall appear, the consul shall take possession of his effects; and if there shall be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeable to that will, as soon as the consul shall declare the validity thereof.

Persons dying intestate, &c., care of their effects.

Validity of wills.

ART. 23. The consuls of the United States of America shall reside in any seaport of our dominions, that they shall think proper; and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof; without which promise in writing, no application to him for any redress shall be made.

Residence of consuls. [It is generally Tangier.]

American consul not accountable for debts of citizens.

ART. 24. If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgence in trade or otherwise, shall be granted to any of the christian powers, the citizens of the United States shall be equally entitled to them.

No appeal to arms until refusal of friendly arrangement.

In case of war, nine months allowed to settle affairs, &c.

ART. 25. This treaty shall continue in full force, with the help of God, for fifty years.

This treaty to last fifty years.

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A. 28.

We have delivered this book into the hands of the beforementioned Thomas Barclay, on the first day of the blessed month of Ramadan, in the year one thousand two hundred.

I certify, that the annexed is a true copy of the translation made by Isaac Cardoza Nunnez, interpreter at Morocco, of the treaty between the emperor of Morocco, and the United States of America.

THOMAS BARCLAY.

ADDITIONAL ARTICLE.

Grace to the only God.

Additional article.

I, the underwritten, the servant of God, Tahar ben Abdelkack Tennish, do certify, that his imperial majesty, my master, (whom God preserve,) having concluded a treaty of peace and commerce with the United States of America, has ordered me, the better to complete it, and in addition of the tenth article of the treaty, to declare, "That if any vessel belonging

American vessels in ports of Morocco, to be protected; and not followed out of port, by an enemy.

"to the United States, shall be in any of the ports of his ma-
"jesty's dominions, or within gunshot of his forts, she shall
"be protected as much as possible; and no vessel whatever,
"belonging either to Moorish or christian powers, with whom
"the United States may be at war, shall be permitted to fol-
"low or engage her, as we now deem the citizens of America
"our good friends."

And in obedience to his majesty's commands, I certify this declaration, by putting my hand and seal to it, on the eighteenth day of Ramadan,* in the year one thousand two hundred.

The servant of the king my master, whom God preserve.

TAHER BEN ABDELKACK TENNISH.

Thomas Barclay's certificate to the translation.

I do certify, that the above is a true copy of the translation made at Morocco, by Isaac Cordoza Nunnez, interpreter, of a declaration made and signed by Sidi Hage Taher Tennish, in addition to the treaty between the emperor of Morocco and the United States of America, which declaration the said Taher Tennish made by the express directions of his majesty.

THOMAS BARCLAY.

Approval by J. Adams and Th: Jefferson.

Now, know ye, that we the said John Adams, and Thomas Jefferson, ministers plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, to the United States in congress assembled, for their final ratification.

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In testimony whereof, we have signed the same with our names and seals, at the places of our respective residence, and at the dates expressed under our signatures respectively. THOMAS JEFFERSON, [L. S.]

PARIS, January 1st, 1787.

JOHN ADAMS. [L. S.]

LONDON, January 25th, 1787.

* The Ramadan of the year of the Hegira 1200, commenced on the 28th June, in the year of our Lord, 1786.

[NOTE.—This treaty is limited to a duration of fifty years, consequently, under this limitation, it will expire on the 28th June, 1836. Ratified by Congress on the 18th July, 1787.]

TREATIES WITH ALGIERS.

No. 1.—*A Treaty of Peace and Amity, concluded the present day, I—ima artasi, the twenty-first of the Luna safer, year of the Hegira* 1210; *corresponding with Saturday, the fifth of September, one thousand seven hundred and ninety-five; between Hassan Bashaw, Dey of Algiers, his divan and subjects, and George Washington, president of the United States of North America, and the citizens of the said United States.* Treaty between the U. States and Algiers.

ART. 1. From the date of the present treaty, there shall subsist a firm and sincere peace and amity between the President and citizens of the United States of North America, and Hassan Bashaw, Dey of Algiers, his divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor, and respect. Firm and sincere peace.

ART. 2. All vessels belonging to the citizens of the United States of North America, shall be permitted to enter the different ports of the regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our custom house that is paid by all nations at peace with this regency; observing that all goods disembarked and not sold here, shall be permitted to be reimbarked without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gunpowder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this regency, without paying any duties whatever at the custom-house of this regency. Free trade with Algiers. Duties, &c. Naval and military stores may be sold duty free.

ART. 3. The vessels of both nations shall pass each other without any impediment or molestation; and all goods, moneys, or passengers, of whatsoever nation, that may be on Vessels and effects to pass free.

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board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

Sey — Vi- cance of ri v

ART. 4. All ships of war belonging to this regency, on meeting with merchant vessels belonging to citizens of the United States, shall be allowed to visit them with two persons only, beside the rowers; these two only permitted to go on board said vessel, without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the consul of the United States of North America, resident in this agency, shall be permitted to proceed on her cruise unmolested: no passport to be issued to any ships but such as are absolutely the property of citizens of the United States: and eighteen months shall be the term allowed for furnishing the ships of the United States with passports.

an ships meeting ine cruiz- &c.

hips, the pro- erty of citizens only, entitled to passports, &c.

Persons not to be taken out of American ves- sels, &c.

ART. 5. No commander of any cruiser belonging to this regency, shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North America, in order to examine them, or under pretence of making them confess any thing desired; neither shall they inflict any corporal punishment, or any way else molest them.

Stranded ves- sels to receive assistance.

Goods wrecked free of duty.

ART. 6 If any vessel belonging to the United States of North America shall be stranded on the coast of this regency, they shall receive every possible assistance from the subjects of this regency: all goods saved from the wreck shall be permitted to be reimbarked on board of any other vessel, without paying any duties at the custom-house.

The Algerines not to sell ves- sels of war to enemies of the United States.

ART. 7. The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the United States of North America, or any vessel capable of cruising to the detriment of the commerce of the United States.

Prizes bought of Algerines by Americans, &c.

ART. 8. Any citizen of the United States of North America, having bought any prize condemned by the Algerines, shall not be again captured by the cruizers of the regency then at sea, although they have not a passport; a certificate from the consul resident being deemed sufficient, until such time as they can procure such passport.

Barbary powers at war with the United States, not to sell their

ART. 9. If any of the Barbary states, at war with the United States of North America, shall capture any American vessel and bring her into any of the ports of this regency, they

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shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

Prizes in Algerine ports, &c.

ART. 10. Any vessel belonging to the United States of America, when at war with any other nation, shall be permitted to send their prizes into the ports of the regency, have leave to dispose of them, without paying any duties on sale thereof. All vessels wanting provisions or refreshments, shall be permitted to buy them at market price,

American vessels may sell their prizes in ports of Algiers &c.

Refreshments, &c.

Presents of provisions to ships of war.

ART. 11. All ships of war belonging to the United States of North America, on anchoring in the ports of the regency, shall receive the usual presents of provisions and refreshments, gratis. Should any of the slaves of this regency make their escape on board said vessels, they shall be immediately returned: no excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

Fugitive slaves, &c.

Redemption of slaves.

ART. 12. No citizen of the United States of North America shall be obliged to redeem any slave against his will, even should he be his brother: neither shall the owner of a slave be forced to sell him against his will: but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy ship, by the cruisers of this regency, having a regular passport, specifying they are citizens of the United States, they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize; as this regency know their friends by their passports.

Americans taken on board enemy ships, &c.

Personal passports essential.

Effects of persons dying intestate, &c.

ART. 13. Should any of the citizens of the United States of North America die within the limits of this regency, the dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul; unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of their property. Neither shall the dey or divan give hindrance in the execution of any will that may appear.

Validity of wills.

Freedom in buying goods.

ART. 14. No citizen of the United States of North America, shall be obliged to purchase any goods against his will; but, on the contrary, shall be allowed to purchase whatever it pleaseth him. The consul of the United States of America, or any other citizen, shall not be amenable for debts contracted by any one of their own nation; unless previously they have given a written obligation so to do. Should the dey want to freight any American vessel that may be in the

Consul not responsible for debts of citizens.

The Dey wanting to freight an

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regency, or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations he expects to have the preference given him, on his paying the same freight offered by any other nation.

American vessel, &c.

Disputes to be decided by the Dey.

ART. 15. Any disputes or suits at law, that may take place between the subjects of the regency, and the citizens of the United States of North America, shall be decided by the dey in person, and no other.

Disputes to be decided by the Consul.

Any disputes that may arise between the citizens of the United States, shall be decided by the consul, as they are in such cases not subject to the laws of this regency.

Killing or wounding an Algerine, &c.

ART. 16. Should any citizen of the United States of North America, kill, wound, or strike, a subject of this regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North America, in the above predicament, escape prison, the consul shall not become answerable for him.

Security, liberty, and privileges of the American consul; religious indulgence to christian slaves, &c.

ART. 17. The consul of the United States of North America shall have every personal security given him and his household: he shall have liberty to exercise his religion in his own house: all slaves of the same religion, shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel whenever he pleases, within the regency: he shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The consul shall have leave to appoint his own drogoman and broker.

In case of war, American citizens may embark, &c.

ART. 18. Should a war break out between the two nations, the consul of the United States of North America, and all citizens, of said states, shall have leave to embark themselves and property, unmolested, on board of what vessels they shall think proper.

Persons or goods of one party, captured in an enemy vessel by the other, to be released.

ART. 19. Should the cruisers of Algiers capture any vessel, having citizens of the United States of North America on board, they having papers to prove they are really so, they and their property shall be immediately discharged. And should the vessels of the United States capture any vessels of nations at war with them, having subjects of this regency on board, they shall be treated in like manner.

Salutes to be returned.

ART. 20. On a vessel of war, belonging to the United States of North America, anchoring in our ports, the consul is to inform the dey of her arrival: and she shall be saluted with twenty-one guns; which she is to return in the same quantity or number.

Presents of fresh provisions

And the dey will send fresh provisions on board, as is customary, gratis.

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ART. 21. The consul of the United States of North America shall not be required to pay duty for any thing he brings from a foreign country for the use of his house and family.

Household articles of the consul, duty free.

ART. 22. Should any disturbance take place between the citizens of the United States and the subjects of this regency, or break any article of this treaty, war shall not be declared immediately; but every thing shall be searched into regularly; the party injured shall be made reparation.

Mutual promise to observe this treaty.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th of September, 1795, Joseph Donaldson, jr. on the part of the United States of North America, agreed with Hassan Bashaw, dey of Algiers, to keep the articles contained in this treaty sacred and inviolable; which we, the dey and divan, promise to observe, on consideration of the United States paying annually the value of twelve thousand Algerine sequins in maritime stores. Should the United States forward a larger quantity, the overplus shall be paid for in money, by the dey and regency. Any vessel that may be captured, from the date of this treaty of peace and amity, shall immediately be delivered up on her arrival in Algiers.

The U. States to pay annually 12,000 sequins ($21,000.)

Vessels captured in future, to be released.

VIZIR HASSAN BASHAW.
JOSEPH DONALDSON, JR.

Seal of Algiers stamped at the foot of the original treaty, in Arabic.

To all persons to whom these presents shall come, or be made known.

David Humphreys appointed to negotiate a treaty with Algiers, with power to employ Joseph Donaldson, Jr. as agent, &c.

Whereas, the underwritten David Humphreys hath been duly appointed commissioner plenipotentiary, by letters patent under the signature of the president, and seal of the United States of America, dated the 30th of March, 1795, for negotiating and concluding a treaty of peace with the dey and governors of Algiers; whereas, by instructions given to him on the part of the executive, dated the 28th of March, and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, junior, on an agency in the said business; whereas, by a writing under his hand and seal, dated the 21st May, 1795, he did constitute and appoint Joseph Donaldson, junior, agent in the business aforesaid; and the said Joseph Donaldson, junior, did, on the 5th of September, 1795, agree with Hassan Bashaw, Dey of Algiers, to keep the articles of the preceding treaty sacred and inviolable:

Approved by David Humphreys, &c.

Now know ye, that I, David Humphreys, commissioner plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the

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president of the United States of America, by and with the advice and consent of the senate of the said United States.

In testimony whereof, I have signed the same with my hand and seal, at the city of Lisbon, this 28th of November, 1795. [L. S.] DAVID HUMPHREYS.

Treaty with Algiers.

No. 2.—*Treaty of Peace and Amity, concluded between the United States of America and his highness Omar Bashaw, Dey of Algiers.*

Peace and Friendship.

ART. 1. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace and friendship between the President and citizens of the United States of America, on the one part, and the Dey and subjects of the Regency of Algiers, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nations: And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, when it is freely granted to such other nations; but when the grant is conditional, it shall be the option of the contracting parties to accept, alter, or reject, such conditions, in such manner as shall be most conducive to their respective interests.

Favors in navigation and commerce granted to other nations to be common to each, &c.

Abolition of tribute in any form

ART. 2. It is distinctly understood between the contracting parties that no tribute, either as biennial presents, or under any other form or name whatever, shall ever be required by the Dey and Regency of Algiers from the United States of America, on any pretext whatever.

American citizens to be delivered up.

ART. 3. The Dey of Algiers shall cause to be immediately delivered up to the American squadron now off Algiers, all the American citizens now in his possession, amounting to ten, more or less; and all the subjects of the Dey of Algiers, now in possession of the United States, amounting to five hundred, more or less, shall be delivered up to him; the United States, according to the usages of civilized nations, requiring no ransom for the excess of prisoners in their favor.

Subjects of Algiers delivered up without ransom.

Indemnification to American citizens for detention and loss of property, &c.

ART. 4. A just and full compensation shall be made by the Dey of Algiers to such citizens of the United States as have been captured and detained by Algerine cruisers, or who have been forced to abandon their property in Algiers, in violation of the twenty-second article of the treaty of peace and amity, concluded between the United States and the Dey of Algiers, on the fifth of September, one thousand seven hundred and ninety-five.*

[*See the treaty, page 479.]

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And it is agreed between the contracting parties, that in lieu of the above, the Dey of Algiers shall cause to be delivered forthwith into the hands of the American consul residing at Algiers, the whole of a quantity of bales of cotton left by the late consul general of the United States in the public magazines in Algiers: and that he shall pay into the hands of the said consul the sum of ten thousand Spanish dollars.

Bales of cotton and 10,000 dollars in lieu.

ART. 5. If any goods belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Enemies' property to pass free in the vessels of each party, &c.

ART. 6. If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and in no case, or on any other pretence whatever, shall any American citizen be kept in captivity or confinement, or the property of any American citizen found on board of any vessel belonging to any other nation with which Algiers may be at war, be detained from its lawful owners after the exhibition of sufficient proofs of American citizenship and of American property, by the consul of the United States residing at Algiers.

Citizens or subjects taken on board enemy vessels to be liberated; and American citizens and property not to be held captive or detained on any account.

ART. 7. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Algiers, on meeting with merchant vessels belonging to the citizens of the United States of America, shall not be permitted to visit them with more than two persons, besides the rowers; these only shall be permitted to go on board without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the subjects of Algiers insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States residing in Algiers, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Algerine ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner.

Passports to vessels of either party: and right of visit restricted.

Offenders to be punished for abusing the right of visit.

All vessels of war belonging to the United States of ca, on meeting a cruiser belonging to the Regency on having seen her passports and certificates of of the United States residing in Algiers,

ships, citizens, and subjects to be permitted to embark unmolested, &c.

ed for should break captured by either

Prisoners of war not to be

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their consular document.

proceed on her cruise unmolested and without detention.—No passport shall be granted to either party to any vessels, but such as are absolutely the property of citizens or subjects of the said contracting parties, on any pretence whatever.

Certificates of condemnation and bill of sale sufficient passport for six months, in case of purchase of prizes.

ART. 8. A citizen or subject of either of the contracting parties having bought a prize vessel condemned by the other party, or by any other nation, the certificates of condemnation and bill of sale, shall be sufficient passport for such vessel for six months, which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

Provisions to be furnished to the vessels of each party in ports of the other at market price

In case of repair, cargoes may be landed without duty; but no compulsion to land cargoes.

ART. 9. Vessels of either of the contracting parties putting into ports of the other, and having need of provisions, or other supplies, shall be furnished at the market price; and if any such vessel should so put in from a distance at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any customs or duties whatever; but in no case shall she be compelled to land her cargo.

When vessels are cast ashore in the territory of either party, assistance to be given to the crews and protection to the property.

ART. 10. Should a vessel of either of the contracting parties be cast on shore within the territories of the other, all proper assistance shall be given to her crew, no pillage shall be allowed, the property shall remain at the disposal of the owners; and, if re-shipped on board of any vessel for exportation, no customs or duties whatever shall be required to be paid thereon, and the crew shall be protected and succored until they be sent to their own country.

Vessels of either party, to be protected within cannon shot, and in port; and an enemy not permitted to pursue within 24 hours.

ART. 11. If a vessel of either of the contracting parties shall be attacked by an enemy within cannon shot of the forts of the other, she shall be protected as much as is possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall not be permitted to pursue her from the same port within twenty-four hours after her departure.

Commerce, protection to merchants, rights of establishing consuls, &c on Indemnity of the to Americans tention and [illegible] of property, &c.

ART. 12. The commerce between the United States of America and the regency of Algiers, the protections to be given to merchants, masters of vessels, and seamen, the reciprocal rights of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, in every respect, with the most favored nations, respectively.

ART. 13. The consul of the United States of America shall not be concluded responsible for the debts contracted by citizens of his nation, unless he previously gives written obligations so on the fifth or less

[*See the treaty, page 479.]

ninety-five.*

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ART. 14. On a vessel or vessels of war belonging to the United States anchoring before the city of Algiers, the consul is to inform the dey of her arrival, when she shall receive the salutes which are, by treaty or custom, given to the ships of war of the most favored nations, on similar occasions, and which shall be returned gun for gun; and if after such arrival, so announced, any christians whatsoever, captives in Algiers, make their escape and take refuge on board any of the ships of war, they shall not be required back again, nor shall the consul of the United States or commanders of said ships be required to pay any thing for the said christians.

Salutes to vessels of war of the U. States, as to the most favored nations.

Christian captives taking refuge on board American ships of war, cannot be reclaimed.

ART. 15. As the government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquillity of any nation, and as the said states have never entered into any voluntary war, or act of hostility, except in defence of their just rights on the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations; and the consuls and agents of both nations shall have liberty to celebrate the rites of their respective religions in their own houses.

Pretexts arising from religious opinions not to interrupt harmony, &c.

Liberty to celebrate religious rights.

The consuls, respectively, shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessels they may think proper to visit: they shall likewise have liberty to appoint their own drogoman and broker.

Consuls may travel within the territories of each party.

ART. 16. In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievance in writing and transmit the same to the government of the other, and the period of three months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and a war should be the event, the consuls, and citizens, and subjects of both parties, respectively, shall be permitted to embark with their effects unmolested, on board of what vessel or vessels they shall think proper, reasonable time being allowed for that purpose.

In case of dispute arising from violation of this Treaty, the grievances to be stated, and three months allowed for an adjustment of differences, &c.

If war ensues, Consuls, citizens, and subjects to be permitted to embark unmolested, &c.

ART. 17. If, in the course of events, a war should break out between the two nations, the prisoners captured by either

Prisoners of war not to be

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ART. 18. If any of the Barbary powers, or other States at war with the United States, shall capture any American vessel and send her into any port of the regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshments of any kind, and to sell such prizes in the said ports, without paying any other customs or duties than such as are customary on ordinary commercial importations.

Powers at war with the United States, not to be suffered to sell American captured vessels at Algiers; but the vessels of war of the United States may sell their prizes at Algiers, &c.

ART. 19. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the government of Algiers to enforce his decision, it shall be immediately granted to him; and if any disputes shall arise between any citizens of the United States and the citizens or subjects of any other nations having a consul or agent in Algiers, such disputes shall be settled by the consuls or agents of the respective nations; and any disputes or suits at law that may take place between any citizens of the United States and the subjects of the regency of Algiers, shall be decided by the Dey in person, and no other.

Consul of the U. States to decide disputes between American citizens, &c.

Other disputes to be settled by the consuls or agents of the nations to which the parties belong.

Disputes between citizens of the U. States and subjects of Algiers to be decided by the dey in person.

ART. 20. If a citizen of the United States should kill, wound, or strike a subject of Algiers, or, on the contrary, a subject of Algiers should kill, wound, or strike a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; but the sentence of punishment against an American citizen shall not be greater or more severe than it would be against a Turk in the same predicament; and if any delinquent should make his escape, the consul shall not be responsible for him in any manner whatever.

In case of killing, wounding, or striking, the law of the country to prevail, the consul assisting at the trial, and punishments to be equal, &c.

ART. 21. The consul of the United States of America shall not be required to pay any customs or duties whatever on any thing he imports from a foreign country for the use of his house and family.

Consul of the U. States not to pay duties on domestic articles.

ART. 22. Should any of the citizens of the United States of America die within the regency of Algiers, the dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul; unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands

Citizens of the U. States dying within the regency of Algiers, their property to be under the direction of the consul, unless o-

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of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property; neither shall the dey or his subjects, give hindrance in the execution of any will that may appear.

therwise disposed of by will. If no consul, the effects to be deposited, &c. Dey, &c. not to hinder execution of a will.

ARTICLE ADDITIONAL AND EXPLANATORY.

The United States of America, in order to give to the Dey of Algiers a proof of their desire to maintain the relations of peace and amity between the two powers upon a footing the most liberal, and in order to withdraw any obstacle, which might embarrass him in his relations with other states, agree to annul so much of the eighteenth Article of the foregoing Treaty, as gives to the United States any advantage in the ports of Algiers, over the most favored nations having treaties with the regency.

Part of the 18th article of the foregoing treaty annulled.

Done at the palace of the government, in Algiers, on the 22d day of December, 1816, which corresponds to the third of the Moon Safar, year of the Hegira, 1232.

Whereas the undersigned William Shaler, a citizen of the state of New York, and Isaac Chauncey, commander in chief of the naval forces of the U. States, stationed in the Mediterranean, being duly appointed commissioners by letters patent under the signature of the president and seal of the United States of America, bearing date at the city of Washington, the twenty-fourth day of August, A. D. 1816, for negotiating and concluding the renewal of a treaty of peace between the United States of America, and the dey and subjects of the regency of Algiers; we, therefore, William Shaler and Isaac Chauncey, commissioners as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the president of the United States of America, by and with the advice and consent of the Senate of the United States.

Done in the chancery of the Consulate General of the United States, in the City of Algiers, on the 23d day of December, in the year 1816, and of the Independence of the United States the forty-first.

[L. S.] WM. SHALER.
[L. S.] I. CHAUNCEY.

The signature of the dey is stamped at the end of the Treaty.

NOTE.—A rupture of the peace and friendship between the United States and the dey of Algiers, took place in July, 1812. The American ship Allegany, sent with a cargo of naval and military stores for the regency, arrived there on the 17th of that month. At first, the dey expressed entire satisfaction; but, on the 20th, when the officers of the regency began to discharge the cargo, he suddenly became outrageous, on the pretext that the quantity of gunpowder, cables, cordage, &c. was not so great as he had previously demanded, and had expected by this conveyance. The consul general of the United States urged various arguments, and used some mild remonstrances to appease the offended sovereign; but they were altogether fruitless. An adjustment of accounts took place, under the treaty, (the consul general's copy of which instrument the dey desired to see, and refused to return,) when there was found only $15,826 due from the United States, which the cargo of the Allegany

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Notes.

would have paid, had it been accepted. But the Algerine minister insisted on counting by the Mahometan calendar, which allows but 354 days to the year, and claimed a balance of $27,000. In payment of this sum, or any part of it, the cargo of the Allegany was refused to be received, and the consul general was allowed only until the 25th of July, to discharge the amount in cash, the dey threatening, otherwise, to detain all the Americans in Algiers in slavery, confiscate the ship Allegany, and declare war against the United States. To effect the payment, the consul general had to raise the money upon a bill, at thirty days sight, which was negotiated, on the spot, at a discount of 25 per cent. thereby swelling the amount to $33,750 On the 25th of July, all the Americans at Algiers embarked on board the Allegany, to the number of seventeen persons, including the consul general and his family. They proceeded in the vessel to Gibraltar, where she was seized, with her cargo, and detained by the British authorities; the United States having declared war against Great Britain on the 18th of June, in the same year. Computing the duration of the treaty with the regency of Algiers at seventeen years, up to the 5th of September, 1812, the whole of their annuities amount, according to stipulation, to $367,200; but the Algerine minister, by his method of reckoning time, extorted $10,800 additional; which extortion was still further increased, by $363, under the plea of round numbers. *See message of the President of the United States to Congress, transmitting copies of a letter from Tobias Lear, consul general of the United States to Algiers, stating the circumstances preceding and attending his departure from that regency, communicated November* 17, 1812.

Since the appearance of the first edition of this work, the government of Algiers has become extinct by the conquest of that place, through the arms of France, completed on the 5th of July, 1830. As the entire subjugation of that ancient piratical power (by far the most formidable of the Barbary states) has an important bearing on all governments having diplomatic relations with his highness the late Dey, as one of the contracting parties, the editor deems it proper to insert, from the official despatch of Count de Bourmont, a brief outline of the successful result of the military operations of the French arms, which preceded the fall of Algiers, with a copy of the Convention, signed by the French general, and ratified by the seal of the Dey, who has since taken up his residence near Naples, whilst, by right of conquest, and according to the French law, Algiers is now annexed to the crown of France:—

"At two o'clock," [July 4, 1830] Count de Bourmont in his official despatch says—"a flag of truce was brought to me on the ruins of the fort of the emperor. It was the secretary of the dey. He *offered* to indemnify France for the expenses of the war. I replied that, first of all, the Casauba, the forts, and the port, must be delivered up to the French troops. After appearing to doubt whether this condition would be accepted, he allowed that the obstinacy of the dey had been very fatal. When the Algerines, they say, are at war with the king of France, they must not repeat the evening prayer, till they have obtained peace. He returned to Algiers. Soon afterwards two of the richest Moors of Algiers were sent by the dey; they did not dissemble that extreme terror prevailed among the soldiers and the inhabitants, and that all were desirous that *negotiations* should commence immediately.—They desired I would cause the firing to cease, promising that the fire of the place should be then likewise suspended. This suspension of hostilities in the fire took place.——At three o'clock, the dey's secretary returned, accompanied by the consul and vice consul of England: he requested that the *conditions of the peace* might be reduced to writing. This was done, and I caused a paper to be delivered to him, a copy of which your excellency will

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find below. At 4 o'clock, the secretary came for the third time. The dey desired that an interpreter might be sent to him, in order that he might by his assistance, understand what was required of him. M. Biaschewitz, formerly first interpreter to the army in Egypt, was sent to the Casauba. The dey, when he was made acquainted with the proposed *convention*, said that he *accepted the conditions*, and that he placed implicit confidence in the French honor. I had signed the *convention:* he [the dey] put *his seal to it*, but desired that the armistice might be prolonged until the 5th, at noon, in order that he might have time to summon his council, and induce it to subscribe to the conditions prescribed.——To-day [the 5th] the two Moors returned: they were commissioned by the dey to confirm the engagement into which they had entered, by *affixing his seal to the convention*, [as below] but they desired that the occupation should be deferred for 24 hours. I required that the forts, the port, and the city, should be delivered up to the French troops, at 11 o'clock in the morning. The dey consented, and at this moment the standard of France is hoisted on all the towers of the city, the subjection of which has been for so many ages the object of the wishes of all Europe." NOTES.

CONVENTION between the general in chief of the French army and his highness the dey of Algiers.

1. The fort of the Casauba, all the other forts depending on Algiers, and the port of that city, shall be delivered up to the French troops this morning at ten o'clock, French time.

2. The general-in-chief of the French army promises his highness the dey of Algiers, to leave him his liberty, and the possession of every thing that belongs to him personally.

3. The dey shall be at liberty to retire with his family and all that belongs to him to the place which he shall fix upon, and so long as he remains at Algiers, he and all his family shall be under the protection of the general-in-chief of the French army; a guard shall protect the safety of his person and that of his family. The general-in-chief promises to all the soldiers the same advantage and the same protection.

4. The exercise of the Mahometan religion shall remain free. The liberty of the inhabitants of all classes, their religion, their property, their commerce, their industry, shall be inviolate, their women shall be respected: the general-in-chief promises this upon his honor.

5. The exchange of this convention shall be made before ten o'clock this morning, and the French troops shall immediately after enter the Casauba, and successively all the other forts of the city and the port.

During the action, the greater part of the European consuls were at a short distance from the field of battle, assembled with their families in the house of the consul of the United States.

Notice was afterwards given to the Turkish soldiers—to quit the territory of Algiers immediately; that those who possess real property had a delay of eight months to sell it, and that at the expiration of that time, the property not disposed of, should be sold at public auction; and that the said Turkish soldiers should be conveyed by the French vessels out of the territory of the regency of Algiers, with an express prohibition not to return.

[In concluding this note, it may be proper also to add, retrospectively, that the treaty, No. 2, page 484, negotiated on the quarter deck of the Guerriere, and, literally dictated at the cannon's mouth, was preceded by two brilliant achievements of the American navy, in the capture of an Algerine frigate of 46 guns and 500 men, and a sloop of war of 22 guns and 180 men, by the squadron of the intrepid Decatur, in June 1815. The effect of these victories is obvious, in the favorable stipulations of that treaty, whereby, among other concessions, tribute is abolished forever—our prisoners restored without ransom—and indemnification to American citizens, for detention and loss of property.]

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TREATIES WITH TRIPOLI.

No. 1.—*Treaty of peace and friendship between the United States of America and the bey and subjects of Tripoli, of Barbary.*

Peace between the U States and Tripoli, guarranteed by the dey of Algiers.

ART. 1. There is a firm and perpetual peace and friendship between the United States of America, and the bey and subjects of Tripoli, of Barbary, made by the free consent of both parties, and guarranteed by the most potent dey and regency of Algiers.

Enemy goods, etc. free.

ART. 2. If any goods belonging to any nation with which either of the parties is at war, shall be loaded on board of vessels belonging to the other party, they shall pass free, and no attempt shall be made to take or detain them.

Citizens or subjects in enemy vessels, etc.

ART. 3. If any citizens, subjects, or effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty, and the effects restored to the owners.

Vessels of both parties to be furnished with passports, etc.

ART. 4. Proper passports are to be given to all vessels of both parties, by which they are to be known. And, considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval, the other papers belonging to such vessels shall be sufficient for their protection.

Prize vessels bought by citizens or subjects of either party, allowed a year to procure regular passports

ART. 5. A citizen or subject of either party having bought a prize vessel, condemned by the party or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

Provisions.

ART. 6. Vessels of either party putting into the ports of the other, and having need for provisions or other supplies, they shall be furnished at the market price: and if any such vessel shall so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and re-embark her cargo, without paying any duties. But in no case shall she be compelled to land her cargo.

Repairs.

Landing cargoes.

Stranded vessels.

ART. 7. Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people. No pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succored till they can be sent to their country.

No pillage, etc.

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ART. 8. If a vessel of either party should be attacked by an enemy, within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her, from the same port, within twenty-four hours after her departure.

Vessels within gunshot of forts to be defended.

ART. 9. The commerce between the United States and Tripoli; the protection to be given to merchants, masters of vessels and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing with those of the most favored nations, respectively.

Commerce, etc. on the most favored footing.

ART. 10. The money and presents demanded by the bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship, are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed; except such part as is promised, on the part of the United States; to be delivered and paid by them on the arrival of their consul in Tropoli, of which part a note is likewise hereunto annexed. And no pretence of any periodical tribute, or farther payment, is ever to be made by either party.

Acknowledgment by the bey of the receipt of a sum in gross, which, with certain stipulated consular presents, is to exonerate the U. States from all future tribute.

ART. 11. As the government of the United States of America, is not, in any sense, founded on the christian religion; as it has, in itself, no character of enmity against the laws, religion, or tranquillity of Musselmen; and as the said states never have entered into any war or act of hostility against any Mahometan nation; it is declared by the parties, that no pretext arising from religious opinions, shall ever produce an interruption of the harmony existing between the two countries.

No pretext arising from religious opinions ever to interrupt the harmony between the two countries.

ART. 12. In case of any dispute arising from a violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, an amicable reference shall be made to the mutual friend of the parties, the dey of Algiers, the parties hereby engaging to abide by his decision. And he, by virtue of his signature to this treaty, engages, for himself and his successors, to declare the justice of the case according to the true interpretation of the treaty, and to use

No appeal to arms in case of a dispute concerning a violation of this treaty, etc.

The consul failing to settle disputes, amicable reference to be made to the dey of Algiers.

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all the means in his power to enforce the observance of the same.

Signed and sealed at Tripoli, of Barbary, the 3d day of Jumad, in the year of the Hegira, 1211; corresponding with the 4th day of November, 1796; by

[L. S.] JUSSUF BASHAW MAHOMET, *bey.*
[L. S.] HAMET, *treasurer.*
[L. S.] AMET, *minister of marine.*
[L. S.] AMET, *chamberlain.*
[L. S.] ALLY, *chief of the divan.*
[L. S.] SOLIMAN, *kaya.*
[L. S.] GALIL, *general of the troops.*
[L. S.] MAHOMET, *commandant of the city.*
[L. S.] MAMET, *secretary.*

Signed and sealed at Algiers, the 4th day of Argril, 1211; corresponding with the 3d day of January, 1797; by

[L. S.] HASSAN BASHAW, *dey.*

And by the agent plenipotentiary of the United States of America.

[L. S.] JOEL BARLOW.

Certificate by J. Barlow, that the foregoing is a true copy of the treaty between the U. S. and Tripoli.

I, Joel Barlow, agent and consul general of the United States of America for the city and kingdom of Algiers, certify and attest, that the foregoing is a true copy of the treaty concluded between the said United States and the bey and subjects of Tripoli, of Barbary, of which the original is to be transmitted by me to the minister of the United States in Lisbon.

In testimony whereof, I sign these presents with my hand, [L. S.] and affix thereto the seal of the consulate of the United States, at Algiers, this 4th day of January, 1797.

To all persons to whom these presents shall come, or be made known:

Recitation of the powers of D. Humphreys:

Whereas, the underwritten David Humphreys hath been duly appointed commissioner plenipotentiary, by letters patent under the signature of the president, and seal of the United States of America, dated the 30th of March, 1795, for negotiating and concluding a treaty of peace with the most illustrious, the bashaw, lords, and governors of the city and kingdom of Tripoli: whereas, by a writing under his hand and seal, dated the 10th of February, 1796, he did (in conformity to the authority committed me therefor) constitute and appoint Joel Barlow and Joseph Donaldson, junior, agents, jointly and separately, in the business aforesaid: whereas the annexed treaty of peace and friendship was agreed upon, signed, and

J. Barlow and J. Donaldson, jr constituted agents to frame a treaty with Tripoli.

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sealed, at Tripoli, of Barbary, on the 4th of November, 1796, in virtue of the powers aforesaid, and guaranteed by the most potent dey and regency of Algiers: and whereas the same was certified at Algiers on the 3d of January, 1797, with the signature and seal of Hassan Bashaw, dey, and of Joel Barlow, one of the agents aforesaid in the absence of the other. 1796. November 4.

Now know ye, that I, David Humphreys, commissioner plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the president of the United States of America, by and with the advice and consent of the senate of the said United States. Approval of the treaty by D. Humphreys.

In testimony whereof, I have signed the same with my name and seal, at the city of Lisbon, this 10th of February, 1797. [L. S.] DAVID HUMPHREYS.

No. 2.—*Treaty of peace and amity, between the United States of America and the Bashaw, Bey, and subjects of Tripoli, in Barbary.*

ART. 1. There shall be, from the conclusion of this treaty, a firm, inviolable, and universal peace, and a sincere friendship between the president and citizens of the United States of America, on the one part, and the bashaw, bey, and subjects of the regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favored nation. And if either party shall hereafter grant to any other nation any particular favor or privilege in navigation or commerce, it shall immediately become common to the other party; freely, where it is freely granted to such other nation; but where the grant is conditional, it shall be at the option of the contracting parties, to accept, alter, or reject, such conditions, in such manner as shall be most condusive to their respective interest. Firm & inviolable peace, on terms of the most favored nation. Favors granted to other nations by one party, to be common to the other; free, if freely allowed; otherwise, as the parties may agree.

ART. 2. The bashaw of Tripoli shall deliver up to the American squadron now off Tripoli, all the Americans in his possession; and all the subjects of the bashaw of Tripoli, now in the power of the United States of America, shall be delivered up to him; and as the number of Americans in possession of the bashaw of Tripoli amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of Americans to be delivered to the squadron of the U. States off Tripoli: Tripolines to be given up to the bashaw.

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1805. June 4.

the Americans to about one hundred, more or less, the bashaw of Tripoli shall receive from the United States of America the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

The U. States to pay $60,000 for the balance of prisoners; (about 200.)

ART. 3. All the forces of the United States, which have been, or may be, in hostility against the bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said bashaw, shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the subjects of the said bashaw, who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said bashaw, who has co-operated with them at Derne, &c. to withdraw from the territory of the said bashaw of Tripoli; but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the bashaw engages to deliver up to him his wife and children now in his power.

The forces of the U. States to be withdrawn, &c.

ART. 4. If any goods, belonging to any nation with which either of the parties are at war, should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

Enemy goods on board vessels of either party, to pass free.

ART. 5. If any citizens or subjects with their effects, belonging to either party, shall be found on board a prize vessel, taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects, so captured, shall be restored to their lawful owners, or their agents.

Citizens or subjects in enemy vessels, &c.

ART. 6. Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war, belonging to the regency of Tripoli, on meeting with merchant vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the

The vessels of both parties to be furnished with passports. Visit of American vessels by Tripoline cruisers, &c.

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offenders shall be punished in the most exemplary manner.— All vessels of war belonging to the United States of America, on meeting with a cruiser belonging to the regency of Tripoli, and having seen her passport and certificate from the consul of the United States of America residing in the regency, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

American vessels of war meeting Tripoline cruisers, &c.

Passports, &c.

Art. 7. A citizen or subject of either of the contracting parties, having bought a prize vessel, condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale, shall be a sufficient passport for such vessel for two years; which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

Purchase of prize vessels, &c.

Art. 8. Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price; and if any such vessel should so put in, from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbark her cargo, without paying any duties; but in no case shall she be compelled to land her cargo.

Provisions, repairs, landing cargoes, &c.

Art. 9. Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succored, till they can be sent to their country.

Stranded vessels to be protected.

Art. 10. If a vessel of either party shall be attacked by an enemy, within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port, within twenty-four hours after her departure.

Vessels engaged within gunshot of forts, to be protected.

Art. 11. The commerce between the United States of America and the regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal right of establishing consuls in each country, and the privileges, immunities, and jurisdictions, to be enjoyed by such consuls, are declared to be on the same footing, with those of the most favored nations, respectively.

Commerce, &c. on the most favored footing.

Art. 12. The consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

Consul not responsible for debts of citizens.

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Art. 13. On a vessel of war, belonging to the United States of America, anchoring before the city of Tripoli, the consul is to inform the bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

Saluted.

No pretext arising from religious opinions to interrupt prevailing harmony, &c.

Art. 14. As the government of the United States of America has, in its itself, no character of enmity against the laws, religion, or tranquillity of Musselmen, and as the said states never have entered into any voluntary war or act of hostility against any Mahometan nation, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the consuls and agents of both nations, respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to the said consuls house at hour of prayer. The consuls shall have liberty and personal security given them, to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have, likewise, the liberty to appoint their own drogoman and brokers.

Exercise of religion.

Indulgence to christian slaves

Consular privileges, &c.

No immediate appeal to arms in case of dispute, &c.

Art. 15. In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, the government of that country shall state their grievances in writing, and transmit it to the government of the other; and the period of twelve calender months shall be allowed for answers to be returned; during which time, no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the consuls, and citizens or subjects of both parties, reciprocally, shall be permitted to embark unmolested on board of what vessel or vessels they shall think proper.

In the event of war, consuls may embark.

Prisoners of war, to be exchanged, &c.

Art. 16. If, in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall not be made slaves, but shall be exchanged, rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting. And it is agreed, that pri-

Deficiency in prisoners to be paid for.

Prisoners to be exchanged in twelve months.

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soners shall be exchanged in twelve months from the time of their capture; and that the exchange may be effected by any private individual legally authorized by either of the parties.

Enemies of the U. States not to sell prizes in Tripoline ports but Americans may, &c.

ART. 17. If any of the Barbary states, or other powers, at war with the United States of America, shall capture any American vessel and send her into any of the ports of the regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes, captured by vessels sailing under the flag of the United States of America, when brought into any port in the regency of Tripoli.

Disputes to be settled by the American Consul.

ART. 18. If any of the citizens of the United States, or any person under their protection, shall have any dispute with each other, the consul shall decide between the parties; and whenever the consul shall require any aid or assistance from the government of Tripoli to enforce his decisions, it shall immediately be granted to him; and if any dispute shall arise between any citizen of the United States and the citizens or subjects of any other nation having a consul or agent in Tripoli, such disputes shall be settled by the consuls or agents of the respective nations.

Other disputes

Killing or wounding on either side punishable by the law of the country, &c.

ART. 19. If a citizen of the United States should kill or wound a Tripoline; or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

Persons dying intestate, &c.

ART. 20. Should any citizen of the United States of America die within the limits of the regency of Tripoli, the bashaw and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul, unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the bashaw or his subjects give hindrance in the execution of any will that may appear.

Validity of wills

Recitation of the powers of Tobias Lear, for concluding a treaty with the bashaw of Tripoli.

Whereas, the undersigned, Tobias Lear, consul general of the United States of America, for the regency of Algiers, being duly appointed commissioner, by letters patent under the signature of the president, and seal of the United States of America, bearing date at the City of Washington, the 18th

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day of November, one thousand eight hundred and three, for negotiating and concluding a treaty of peace between the United States of America, and the bashaw, bey, and subjects of the regency of Tripoli, in Barbary:

Conclusion of the treaty by Tobias Lear.

Now know ye, that I, Tobias Lear, commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same nevertheless, for the final ratification of the president of the United States of America, by and with the advice and consent of the senate of the said United States.

Done at Tripoli, in Barbary, the fourth day of June, in the year one thousand eight hundred and five; corresponding with the sixth day of the first month of Rabbia, 1220.

TOBIAS LEAR.

Ratification of the treaty by the bashaw of Tripoli, &c.

Having appeared in our presence, colonel Tobias Lear, consul general of the United States of America, in the regency of Algiers, and commissioner for negotiating and concluding a treaty of peace and friendship between us and the United States of America, bringing with him the present treaty of peace, with the within articles, they were by us minutely examined, and we do hereby accept, confirm, and ratify them, ordering all our subjects to fulfil entirely their contents without violation, and under no pretext.

In witness whereof, we, with the heads of our regency, subscribe it.

Given at Tripoli, in Barbary, the sixth day of the first month of Rabbia, 1220; corresponding with the fourth day of June, 1805.

[L. s.] JUSUF CARAMANLY, *bashaw.*
[L. s.] MOHAMET CARABNALLY, *bey.*
[L. s.] MOHAMET, *kahia.*
[L. s.] HAMET, *rais de marine.*
[L. s.] MOHAMET, DGHIES, *first minister.*
[L. s.] SALAH, *aga of divan.*
[L. s.] SELIM, *hasnadar.*
[L. s.] MURAT, *dulartile.*
[L. s.] MURAT RAIS, *admiral.*
[L. s.] SOLIMAN, *kehia.*
[L. s.] ABDALLA, *basa aga.*
[L. s.] MAHOMET, *scheig al belad.*
[L. s.] ALLI BEN DIAB, *first secretary.*

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NOTES.

NOTE. By the first and tenth articles of the treaty of peace and amity, with Tripoli, it will appear that the relations which it established between the United States and that power, were guaranteed by the dey of Algiers, and that it forbids the expectation of any payment of annual tribute by the American government. In the year 1800, the reigning bey having, as he supposed, intimidated one or more of the christian powers of Europe, into terms deemed additionally advantageous to Tripoli, he thought the opportunity favorable for imposing new conditions on the United States. The principal object of the bey seems to have been, to free his state from the subserviency to Algiers, which the guarantee of that regency apparently implied, and to procure a yearly stipend for himself. Accordingly, he commenced by making unauthorized demands upon James Leander Cathcart, the consul of the United States at Tripoli, which were resisted; and warning was given by him to persons interested, of the probability of an open rupture. On the 14th of May, 1801, matters were carried, by the bey, to extremity. The American flag staff was cut down, about 6 feet from the ground, and left reclining on the terrace. Mr Cathcart departed from Tripoli, with his family, on the 24th of the same month. Thomas Jefferson, then president of the United States, had early sent a small squadron of frigates into the Mediterranean, with assurances to the bey of a sincere desire to remain in peace; but orders to protect American commerce against the threatened attack. The measure was seasonable and salutary. The bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded; and that of the Atlantic in peril. The arrival of the squadron dispelled the danger. On the 6th of February, 1802, the president was authorized to equip, officer, man, and employ such of the armed vessels of the United States as he might judge requisite for effectually protecting their commerce and seamen. He was further authorized to instruct the commanders of the respective public vessels to subdue, seize, and make prize, of all vessels, goods, and effects, belonging to the bey of Tripoli or to his subjects, and also, to cause to be done all such other acts of precaution or hostility as the state of war would justify, &c. Private armed vessels were likewise commissioned, according to law, to cruise against the subjects of that power. During the contest, which was carried on by sea and land, the reputation of the Americans, for naval and military enterprise and skill, was well supported, and much increased. The bey having been eventually reduced to what were considered reasonable terms, peace was concluded with him, on the conditions mentioned in the treaty, No. 2. *See the message of the President, at the opening of the first session of the seventh congress, &c.*

The treaty with Tripoli, of the 4th of November, 1796, was annulled by war. It is supplied by the foregoing treaty of the 4th of June, 1805.

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1799.
March 26.

TREATIES WITH TUNIS.

No. 1.—*Treaty of peace and friendship between the United States of America and the kingdom of Tunis.*

[TRANSLATION.]

God is infinite.

This treaty made under the auspices of the Ottoman emperor, Selim.

Under the auspices of the greatest, the most powerful of all the princes of the Ottoman nation who reign upon the earth, our most glorious and most august emperor, who commands the two lands and the two seas, Selim Kan, the victorious, son of the sultan Moustafa, whose realm may God prosper *until* the end of ages, the support of kings, the seal of *justice*, *the* emperor of emperors.

The most illustrious and most magnificent prince, Hamouda Pacha, bey, who commands the Odgiak of Tunis, the abode of happiness, and the most honored Ibrahim Dey, and Soliman, aga of the janissaries, and chief of the divan, and all the elders of the Odgiak; and the most distinguished and honored President of the Congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles of which have been framed by the intervention of Joseph Stephen Famin, French merchant residing at Tunis, chargé d'affaires of the United States of America; which stipulations and conditions are comprised in twenty-three articles, written and expressed in such a manner as to leave no doubt of their contents, and in such a way as not to be contravened.

Perpetual peace.

ART. 1. There shall be a perpetual and constant peace between the United States of America and the magnificent pacha, bey of Tunis; and also a permanent friendship, which shall more and more increase.

Persons & property of either party, on board enemy vessels, &c.

ART. 2. If a vessel of war of the two nations shall make prize of an enemy vessel, in which may be found effects, property, and subjects of the two contracting parties, the whole shall be restored. The bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration; it being understood, on both sides, that the just right to what is claimed shall be proved.

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ART. 3. Merchandise belonging to any nation which may be at war with one of the two contracting parties, and loaded on board of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it. Enemy goods on board vessels of either party, free.

ART. 4. On both sides sufficient passports shall be given to vessels that they may be known and treated as friendly; and considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé, or document, (which at Tunis is called testa,) but after the said term, the congé shall be presented. Passports, &c.

ART. 5. If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited, and to avoid quarantine. The American ships of war shall act in like manner towards merchant vessels escorted by the corsairs of Tunis. Merchant vessels under convoy, to pass on the word of the commander.

ART. 6. If a Tunisian corsair shall meet with an American merchant vessel, and shall visit it with her boat, she shall not exact any thing, under pain of being severely punished. And, in like manner, if a vessel of war of the United States shall meet with a Tunisian merchant vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel of war, the consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored; but if any slave shall take refuge in an American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.* No exactions by vessels of war. Refugee slaves and prisoners. Slaves carried away.

* Altered, see page 515.

ART. 7. An American citizen having purchased a prize vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year; by force of which our corsairs which may meet with her shall respect her; the consul, on his part, shall furnish her with a bill of sale; and, considering the distance of the two countries, this term shall suffice to obtain a passport in form. But, after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew. Passports for prize vessels purchased. Consular bill of sale.

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1799. March 26.

Provisions for vessels in ports; repairs; unloading cargo; wages of laborers; &c.

ART. 8. If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload, and reload her cargo without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading or unloading the merchandize.

Vessels wrecked to be assisted; salvage, &c.

ART. 9. If, by accident, and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked, or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the costs of salvage to those who may have been employed.

Vessels of either party, to be protected within cannon shot, and in port; and an enemy not permitted to pursue within 48 hours.

ART. 10. In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible, and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighboring port, for forty-eight hours after her departure.

Salutes when requested.

ART. 11. When a vessel of war of the United States of America shall enter the port of Tunis, and the consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said consul does not want a salute, there shall be no question about it.

Salutes to be returned in barrels of powder.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted, and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs, when they shall enter any port of the United States.*

* Annulled, see page 515.

Merchants free to carry on commerce.

ART. 12. When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations, and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

Interpreters.

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If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants who shall decide upon the case, and after the decision, the determination shall be conformed to.

Freight of American vessels by subjects of Tunis, &c.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations; which may take place with respect to merchant vessels, but not to those of war.

Captains not to be detained in ports.

The subjects of the two contracting powers shall be under the protection of the prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeable to justice, a representation of it shall be made to us.

Citizens and subjects under the protection of the sovereign authority.

In case the government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain agreeably to the intention of the government, and the captain shall not refuse it.*

The government of Tunis may freight American vessels

*Altered, see page 515.

Art. 13. If, among the crews of merchant vessels of the United States, there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves: the present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

Crews of American merchant men to be two-thirds friends of Tunis, &c.

Art. 14. A Tunisian merchant, who may go to America, with a vessel of any nation soever, loaded with merchandise, which is the production of the kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis under their flag, the same duty as the Tunisians pay in America.

Duty on Tunisian goods in *any* vessels, and on American goods in *American* vessels.

But if an American merchant, or a merchant of any other nation, shall bring American merchandise under any other flag he shall pay six per cent. duty: in like manner if a foreign merchant shall bring the merchandise of his country under the American flag, he shall also pay six per cent.*

American merchandise under *foreign* flag, to pay six per cent &c.

* Altered, see page 517.

Art. 15. It shall be free for the citizens of the United States to carry on what commerce they please in the kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles: and if any

Free commerce in Tunis, wine excepted, &c.

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one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care that the captains and sailors shall not load prohibited articles, but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandise on board of his vessel, nor to unlade the same against his will, until the freight shall be paid.

Smuggling.

Payment of freight.

Anchorage duty.

ART. 16. The merchant vessels of the United States, which shall cast anchor in the road of Gouletta, or any other port of the kingdom of Tunis, shall be obliged to pay the same anchorage, for entry and departure, which French vessels pay, to wit: seventeen piasters and a half, money of Tunis, for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

Consuls, their privileges, &c.

ART. 17. Each of the contracting parties shall be at liberty to establish a consul in the dependencies of the other; and if such consul does not act in conformity with the usages of the country, like others, the government of the place shall inform his government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family, and suite, the protection of the government; and he may import for his own use all his provisions and furniture, without paying any duty; and if he shall import merchandise, (which it shall be lawful for him to do,) he shall pay duty for it.

Consuls of the U. States not responsible for debts of citizens unless, &c.

ART. 18. If the subjects or citizens of either of the contracting parties, being within the possession of the other, contract debts, or enter into obligation, neither the consul nor the nation, nor any subjects or citizens thereof, shall be in any manner responsible, except they or the consul shall have previously become bound in writing. And without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

Effects of persons dying intestate, &c.

ART. 19. In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the consul or the vekil shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the government of the place shall have nothing to do therewith. And if there shall be no consul, the effects shall be deposited in the hands of a confidential person of the place,

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taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

The consul judge of disputes between citizens, &c.

ART. 20. The consul shall be the judge all disputes between his fellow citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the government where he resides to sanction his decisions, it shall be granted to him.

Killing, &c. a citizen or subject, punishable according to the laws of the country.

ART. 21. If a citizen or subject of one of the parties shall kill, wound, or strike, a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: the consul shall be present at the trial; but if any offender shall escape, the consul shall be in no manner responsible for it.

Civil disputes to be tried in presence of the consul, &c.

ART. 22. If a dispute or lawsuit, on commercial or other civil matters, shall happen, the trial shall be had in the presence of the consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

War not to take place until a demand and refusal of justice.

ART. 23. If any difference or dispute shall take place concerning the infraction of any article of the present treaty, on either side, peace and good harmony shall not be interrupted until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefore, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves, with their property.

In case of war, one year allowed to citizens, &c.

The terms of this treaty to be punctually observed.

The agreements and terms above concluded by the two contracting parties, shall be punctually observed, with the will of the Most High: and for the maintenance and exact observance of the said agreements, we have caused their contents to be here transcribed, in the present month of Rebia Elul, of the Hegira one thousand two hundred and twelve, corresponding with the month of August, of the christian year one thousand seven hundred and ninety-seven.

The Aga Soliman's signature and	[L. S.]
Ibrahim Dey's signature and	[L. S.]
The Bey's signature and	[L. S.]

Recitation of the powers of Richard O'Brien, William Eaton, and

Whereas the president of the United States of America, by his letters patent under his signature and the seal of state, dated the eighteenth day of December, one thousand seven hundred and ninety-eight, vested Richard O'Brien, William Ea-

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ton, and James Leander Cathcart, or any two of them, in the absence of the third, with full powers to confer, negotiate, and conclude, with the bey and regency of Tunis, on certain alterations in the treaty between the United States and the government of Tunis, concluded by the intervention of Joseph Etienné Famin, on behalf of the United States in the month of August, one thousand seven hundred and ninety-seven; we, the underwritten William Eaton and James Leander Cathcart, (Richard O'Brien being absent,) have concluded on and entered, in the foregoing treaty, certain alterations in the eleventh, twelfth, and fourteenth articles, and do agree to said treaty, with said alterations, reserving the same, nevertheless, for the final ratification of the president of the United States, by and with the advice and consent of the senate.

James Leander Cathcart, relative to this treaty, &c.

In testimony whereof, we annex our names and the consular seal of the United States. Done in Tunis, the twenty-sixth day of March, in the year of the christian era one thousand seven hundred and ninety-nine, and of American independence the twenty-third.

WILLIAM EATON.
JAMES LEANDER CATHCART.

No. 2.—*Altered articles in the foregoing treaty of Peace and Friendship with Tripoli.*

By the President of the United States of America. A Proclamation.

Whereas certain alterations in the treaty of Peace and Friendship, of August, 1797, between the United States and the Bashaw and Bey of Tunis, were agreed upon and concluded, between his highness Sidi Mahmoud, the Bey, and S. D. Heap, chargé d'affaires of the United States at Tunis, on the twenty-fourth day of February, one thousand eight hundred and twenty-four, by the articles in the words following, to which are annexed the altered articles, as they were in the treaty before the alterations:

Whereas sundry articles of the treaty of peace and friendship, concluded between the United States of America and Hamuda Bashaw, of happy memory, in the month of Rebia Elul, in the year of the Hegira 1212, corresponding with the month of August, of the Christian year 1797, have, by experience, been found to require alteration and amendment: In order, therefore, that the United States should be placed on the same footing with the most favored nations having treaties with Tunis, as well as to manifest a respect for the American government, and a desire to continue unimpaired, the friendly relations which have always existed between the two nations,

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it is hereby agreed and concluded, between his highness Sidi Mahmoud, Bashaw, Bey of Tunis, and S. D. Heap, esquire, chargé d'affaires of the United States of America, that alterations be made in the sixth, eleventh, twelfth, and fourteenth articles of said treaty, and that the said articles shall be altered and amended in the treaty, to read as follows:

ARTICLE 6—*as it now is.*

If a Tunisian corsair shall meet with an American vessel, and shall visit it with her boat, two men only shall be allowed to go on board, peaceably, to satisfy themselves of its being American, who, as well as any passengers of other nations, they may have on board, shall go free, both them and their goods; and the said two men shall not exact any thing, on pain of being severely punished. In case a slave escapes, and takes refuge on board an American vessel of war, he shall be free, and no demand shall be made either for his restoration or for payment.

ARTICLE 6—*as it was.*

Visits at sea regulated.

If a Tunisian corsair shall meet with an American merchant vessel, and shall visit it with her boat, she shall not exact any thing, under pain of being severely punished; and, in like manner, if a vessel of war of the United States shall meet with a Tunisian merchant vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel of war, the consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored; but if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

Fugitives escaping in ships of war to be free.

ARTICLE 11—*as it now is.*

When a vessel of war of the United States shall enter the port of the Gouletta, she shall be saluted with twenty-one guns, which salute the vessel of war shall return, gun for gun only, and no powder will be given, as mentioned in the ancient eleventh article of this treaty, which is hereby annulled.

ARTICLE 11—*as it was.*

Salutes to ships of war to consist of 21 guns; and no powder present.

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute, there shall be no question about it.

But, in case he shall desire

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the salute, and the number of guns shall be fired which he may have requested, they shall be counted, and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs, when they shall enter any port of the United States.

ARTICLE 12—*as it now is.*

Commerce to be on an equal footing with the most favored nations.

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

Rules for receiving freight.

If any Tunisian subject shall freight an American vessel, and load her with merchandize, and shall afterwards want to unload or ship them on board of another vessel, we shall not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case, and, after the deci-

ARTICLE 12—*as it was.*

When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

If any Tunisian subject shall freight an American vessel, and load her with merchandize, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the

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sion, the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant vessels, but not to those of war.

The subjects and citizens of the two nations, respectively, Tunisians and Americans, shall be protected in the places where they may be, by the officers of the government there existing; but, on failure of such protection, and for redress of every injury, the party may resort to the chief authority in each country, by whom adequate protection and complete justice shall be rendered. In case the government of Tunis shall have need of an American vessel for its service, such vessel being within the Regency, and not previously engaged, the government shall have the preference, on its paying the same freight, as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.

ARTICLE 14—*as it now is.*

All vessels belonging to the citizens and inhabitants of the United States shall be permitted to enter the ports of the kingdom of Tunis, and freely trade with the subjects and inhabitants thereof, on paying the usual duties which are

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case, and after the decision, the determination shall be conformed to.

Captains not to be detained against their will

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations; which may take place with respect to merchant vessels, but not to those of war.

Princes or chiefs of the place, only to have jurisdiction.

The subjects of the two contracting powers shall be under the protection of the Prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

Tunisians to have a preference in freighting.

In case the Government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain, agreeably to the intention of the government, and the captain shall not refuse it.

ARTICLE 14—*as it was.*

The trade with both parties on an equal footing.

A Tunisian merchant, who may go to America with a vessel of any nation soever, loaded with merchandize, which is the production of the kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and

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paid by other most favored nations at peace with the regency. In like manner, all vessels belonging to the subjects and inhabitants of the kingdom of Tunis shall be permitted to enter the different ports of the United States, and freely trade with the citizens and inhabitants thereof, on paying the usual duties, which are paid by other most favored nations at peace with the United States.

the American merchants shall equally pay for the merchandize of their country, which they may bring to Tunis, under their flag, the same duty as the Tunisians pay in America. But if an American merchant, or a merchant of any other nation, shall bring American merchandize, under any other flag, he shall pay six per cent. duty: in like manner, if a foreign merchant shall bring the merchandize of his country, under the American flag, he shall also pay six per cent.

Concluded, signed, and sealed, at the Palace of Bardo, near Tunis, the 24th day of the moon jumed-teni, in the year of the Hegira, 1239, corresponding with the 24th of February, 1824, of the christian year, and the 48th year of the Independence of the United States, reserving the same, nevertheless, for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

S. D. HEAP, Chargé d'Affaires. [L. s.]
SIDI MAHMOUD's signature and [L. s.]

Ratification.

And whereas the senate of the United States did, on the 13th of January instant, two thirds of the senators present concurring therein, advise and consent to the ratification of the convention containing the said alterations; and whereas, in pursuance of the said advice and consent, I have ratified, on the part of the United States, the said articles:

Now, therefore, I do hereby proclaim the same, and have caused the said articles to be made public; to the end that they, and every clause thereof, as they now are, may be observed and fulfilled with good faith by the United States and their citizens.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-first day of January, in the year of our Lord one thousand eight hundred and twenty-five, and of the Independence of the United States the forty-ninth.

By the President: JAMES MONROE.

JOHN QUINCY ADAMS, Secretary of State.

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1830.
May 7.

SUPPLEMENT.

Treaty of Commerce and Navigation between the United States and the Ottoman Porte.

Treaty between the U. S and the Ottoman Porte.

By the President of the United States of America. A Proclamation.

WHEREAS a treaty of commerce and navigation, between the United States of America and the Ottoman Porte, was concluded and signed at Constantinople by the respective Plenipotentiaries of the two powers, on the seventh day of May, in the year of our Lord one thousand eight hundred and thirty, and the said Treaty was duly ratified, by the President, on the part of the said United States, on the second day of February, in the year of our Lord one thousand eight hundred and thirty one, in pursuance of the advice and consent of the Senate, as signified by their resolution of the first day of that month; and whereas, the ratification by the President, of the said Treaty in the Turkish language, and in a translation thereof into the English, annexed thereto was exchanged at Constantinople, on the fifth day of October, eighteen hundred and thirty one, by DAVID PORTER, the Charge d'Affaires of the United States near the Sublime Porte, and NEDJIB EFFENDI, Reis Effendi of the Porte, for the ratification of the Sultan; which convention, as ratified by the President, in the English version, is, word for word, as follows:

The object of this firm instrument, and the motive of this writing, well drawn up, is, that— Object.

No treaty, or diplomatic and official convention, having heretofore existed between the Sublime Porte, of perpetual duration, and the United States of America at this time, in consideration of the desire formerly expressed, and of repeated propositions, which have lately been renewed by that power, and in consequence of the wish entertained by the Sublime Porte to testify to the United States of America its sentiments of friendship, we, the Undersigned, Commissioners, invested with the high office of Chief of the Chancery of State, of the Sublime Porte, existing forever, having been permitted by His very Noble Imperial Majesty to negotiate and conclude a treaty, and having thereupon conferred with our friend, the honorable Charles Rhind, who has come to this Imperial Residence, furnished with full powers to negotiate, settle, and conclude, the articles of a treaty, separately and jointly with the other two Commissioners, Commodore Biddle and David Offley, now at Smyrna, have arranged, agreed upon and concluded, the following articles: Negotiators.

ART. 1. Merchants of the Sublime Porte, whether Musselmans or Rayahs, going and coming, in the countries, provinces, and ports, of the United States of America, or proceeding from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties: and in travelling by sea and by land, all the privileges and distinctions observed towards the subjects of other Powers, shall serve as a rule, and shall be observed to- Turkish merchants in U. S. ports to pay same duties as the most favored nations.

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wards the merchants and subjects of the sublime Porte. In like manner, American merchants who shall come to the well defended countries and ports of the Sublime Porte, shall pay the same duties and other imposts, that are paid by merchants of the most favored friendly powers, and they shall not, in any way, be vexed or molested. On both sides, travelling passports shall be granted.

American merchants in Turkish ports to pay same duties as the most favored friendly nations.

Consuls may be established in the ports of each nation.

ART. 2. The Sublime Porte may establish *Shahbenders* (Consuls) in the United States of America; and the United States may appoint their citizens to be Consuls or Vice Consuls, at the commercial places in the dominions of the Sublime Porte, where it shall be found needful to superintend the affairs of commerce. These Consuls and Vice Consuls shall be furnished with *Berats*, or *Firmans;* they shall enjoy suitable distinction, and shall have necessary aid and protection.

Brokers of any religion may be employed.

ART. 3. American merchants established in the *well* defended States of the Sublime Porte, for purposes of commerce, shall have liberty to employ *Semsars* (brokers) of any nation or religion, in like manner as merchants of other friendly Powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving at, or departing from, the ports of the Ottoman Empire, shall not be subjected to greater visit, by the officers of the custom-house and the Chancery of the Port, than vessels of the most favored nation.

Rules of visit.

Litigations and disputes to be decided according to equality and justice.

ART. 4. If litigations and disputes should arise between the subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgement be pronounced unless the American Dragoman be present.—Causes, in which the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offence, shall not be molested; and even when they may have committed some offence they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offence, following, in this respect, the usage observed towards other Franks.

Americans not to take the flag of any other power; nor are their ministers to protect the rayahs.

ART. 5. American merchant vessels, that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flags but they shall not take the flag of any other Power, nor shall they grant their flag to the vessels of other nations and Powers, nor to the vessels of rayahs.

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The Ministers, Consuls, and Vice Consuls of the United States, shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

Reciprocal friendship between the vessels of each.

ART. 6. Vessels of war of the two contracting Parties, shall observe towards each other, demonstrations of friendship and good intelligence, according to naval usage; and towards merchant vessels they shall exhibit the same kind and courteous manner.

The passage of the Dardanelles and to the Black Sea open to American merchant vessels.

ART. 7. Merchant vessels of the United States, in like manner, as vessels of the most favored nations, shall have liberty to pass the Canal of the Imperial Residence, and go and come in the Black Sea, either laden or in ballast; and they may be laden with the produce, manufactures and effects, of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

Vessels shall not be forcibly taken.

ART. 8. Merchant vessels of the two contracting parties shall not be forcibly taken, for the shipment of troops, munitions and other objects of war, if the captains or proprietors of the vessels, shall be unwilling to freight them.

Mutual aid in case of wreck.

ART 9. If any merchant vessel of either of the contracting parties, should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the Consul, nearest to the place of the wreck, to be by him delivered to the proprietors.

CONCLUSION.

Exchange of ratifications.

The foregoing articles agreed upon and concluded, between the Riasset (Chancery of State) and the above mentioned Commissioner of the United States, when signed by the other two Commissioners, shall be exchanged. In ten months from the date of this *Temessuck*, or instrument of treaty, the exchange of the ratifications of the two Powers shall be made, and the articles of this treaty shall have full force and be strictly observed by the two Contracting Powers.

Given the fourteenth day of the moon Zilcaade, and in the year of the Hegira, 1245, corresponding with the seventh day of May, of the year one thousand eight hundred and thirty of the Christian Æra.

(Signed) MOHAMMED HAMID, *Reis-ul-Kutab. (Reis Effendi.)*

NOW, THEREFORE, to the end that the said treaty may be observed and performed with good faith on the part of the United States, I have caused the premises to be made public, and I do hereby enjoin all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States to be hereunto affixed, and have signed the same with my hand.

DONE at Washington, this fourth day of February, in the year of our Lord one thousand eight hundred and thirty-two, and of the Independence of the U. States the fifty-sixth. ANDREW JACKSON.

[L. S.]

By the President: EDW: LIVINGSTON, *Secretary of State.*

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1831.
July 4.

CONVENTION WITH FRANCE.

By the President of the United States of America. A Proclamation.

WHEREAS a Convention between the United States of America, and His Majesty the King of the French, was concluded and signed at Paris, on the fourth day of July, in the year of our Lord one thousand eight hundred and thirty-one; which Convention is word for word as follows:

Object—amicable adjustment.

The United States of America and His Majesty the King of the French, animated with an equal desire to adjust amicably, and in a manner conformable to equity, as well as to the relations of good intelligence and sincere friendship which unite the two countries, the reclamations formed by the respective Governments, have, for this purpose, named for their

Negotiators.

plenipotentiaries, to wit, the President of the United States, by and with the advice and consent of the Senate, William C Rives, Envoy Extraordinary and Minister Plenipotentiary of the said United States, near His Majesty the King of the French; and His Majesty the King of the French, Count Horace Sebastiani, Lieutenant General of his Armies, his Minister Secretary of State for the Department of Foreign Affairs, &c. &c., who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

25,000,000 of francs to be paid to the U. S. for all reclamations

ART. 1. The French Government, in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the Government of the United States, who shall distribute it among those entitled, in the manner and according to the rules which it shall determine.

In six annual instalments.

ART. 2. The sum of twenty-five millions of francs, above stipulated, shall be paid at Paris, in six annual instalments, of four millions one hundred and sixty-six thousand six hundred and sixty-six francs sixty-six centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it.

The first instalment shall be paid at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid.

Interest at 4 per cent.

To the amount of each of the said instalments shall be added interest at four per cent. thereupon, as upon the other instalments then remaining unpaid; the said interest to be computed from the day of the exchange of the ratifications of the present convention.

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1831.
July 4.

CONVENTION WITH FRANCE.

Les Etats Unis d'Amérique et Sa Majesté le Roi des Français étant animés d'un égal désir de régler à l'amiable et d'une manière conforme à l'équité aussi bien qu'aux relations de bonne harmonie et d'amitié sincère qui unissent les deux pays, les réclamations formées par les Gouvernemens respectifs, ont, à cet effet, nommé pour leurs plénipotentiaires: savoir, le Président des Etats Unis, de l'avis et avec le consentement du Sénat, Mr William C. Rives, Envoyé Extraordinaire et Ministre Plénipotentiaire des dits Etats près de Sa Majesté le Roi des Français, et Sa Majesté le Roi des Français, M. le Comte Horace Sebastiani, Lieutenant Général de ses Armées, son Ministre Secrétaire d'Etat au Département des Affaires Etrangères, &c. &c. lesquels apres avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivans:

ART 1. Le Gouvernement Français, à l'effet de se libérer complétement de toutes les réclamations élevées contre lui par des citoyens des Etats Unis, pour saisies, captures, séquestres, confiscations et destructions illégales de leurs navires, cargaisons, ou autres propriétés, s'engage á payer une somme de vingt cinq millions de francs au Gouvernement des Etats Unis, qui en fera la répartition entre les ayant droit, suivant le mode et d'après les règles qu'il déterminera.

ART. 2. La somme de vingt cinq millions de francs, stipulée ci-dessus, sera payée à Paris, en six termes annuels, de quatre millions cent soixante six mille six cent soixante six francs soixante six centimes, entre les mains de la personne ou des personnes que le Gouvernement des Etats Unis aura autorisées à la recevoir.

Le premier paiement aura lieu à l'expiration de l'année qui suivra l'échange des ratifications de la présente convention, et les autres paiemens s'effectueront successivement d'année en année jusqu'à parfait acquittement de la somme entière.

Au montant de chacun des paiemens annuels ainsi reglés, seront ajoutés les intérêts á quatre pour cent, tant du terme échu que des termes à echeoir; ces intérêts seront calculés à partir du jour des ratifications de la prèsente convention.

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1,500,000 francs to be paid by the U. S. to France for all reclamations:

ART. 3. The Government of the United States, on its part, for the purpose of being liberated completely from all the reclamations presented by France on behalf of its citizens, or of the Royal Treasury, (either for ancient supplies or accounts, the liquidation of which had been reserved, or for unlawful seizures, captures, detentions, arrests, or destructions of French vessels, cargoes, or other property,) engages to pay to the Government of His Majesty (which shall make distribution of the same in the manner and according to the rules to be determined by it) the sum of one million five hundred thousand francs.

In six annual instalments.

ART. 4. The sum of one million five hundred thousand francs, stipulated in the preceding article, shall be payable in six annual instalments, of two hundred and fifty thousand francs; and the payment of each of the said instalments shall be effected by a reservation of so much out of the annual sums which the French Government is bound, by the second article above, to pay to the Government of the United States.

Interest.

To the amount of each of these instalments shall be added interest at four per cent. upon the instalment then paid, as well as upon those still due; which payments of interest shall be effected by means of a reservation, similar to that already indicated for the payment of the principal. The said interest shall be computed from the day of the exchange of the ratifications of the present convention.

Other reclamations may be sued for, by either party.

ART. 5. As to the reclamations of French citizens against the Government of the United States, and the reclamations of citizens of the United States against the French Government, which are of a different nature from those which it is the object of the present convention to adjust, it is understood that the citizens of the two nations may prosecute them in the respective countries before the competent judicial or administrative authorities, in complying with the laws and regulations of the country, the dispositions and benefit of which shall be applied to them in like manner as to native citizens.

Reciprocal engagement to furnish documents, &c.

ART. 6. The French Government and the Government of the United States reciprocally engage to communicate to each other, by the intermediary of the respective legations, the documents, titles, or other informations, proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the present convention.

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ART. 3. De son coté, le Gouvernement des Etats Unis, pour se libérer complétement de toutes les réclamations présentées par la France, dans l'intérêt de ses citoyens ou du Trésor Royal, à raison, soit d'anciennes fournitures ou comptes dont la liquidation avait été reservée, soit de saisies, captures, détentions, arrestations et destructions illégales de navires, cargaisons ou autres propriétés Françaises, s'engage à payer au Gouvernement de Sa Majesté qui en fera la distribution aux ayant droit, suivant la mode et d'après les règles qu'il déterminera, la somme de quinze cent mille francs.

ART. 4. La somme de quinze cent mille francs stipulée dans l'article précedent sera payable en six termes annuels de deux cent cinquante mille francs, et le paiement de chacun de ces termes aura lieu au moyen d'une retenue de pareille somme que le Gouvernement Français exercera sur les versemens annuels qu'il s'est engagé par l'article 2 ci-dessus à effectuer entre les mains du Gouvernement des Etats Unis.

Au montant de chacun de ces termes seront ajoutés les interêts à quatre pour cent tant du terme échu que des termes à echeoir au moyen d'une retenue analogue à celle qui vient d'être indiquée pour le paiement du capital. Ces intérêts seront calculés à partir du jour des ratifications de la présente convention.

ART. 5. Quant aux réclamations des citoyens Français contre le Gouvernement des Etats Unis et aux réclamations des citoyens des Etats Unis contre le Gouvernement Français, qui sont d'une autre nature que celles auxquelles la présente convention a pour objet de faire droit, il est entendu que les citoyens des deux nations pourront les poursuivre dans les pays respectifs auprès des autorités judiciaires ou administratives compétentes en se soumettant aux lois et réglemens locaux, dont les dispositions et le bénéfice leur seront appliqués comme aux nationaux eux-mêmes.

ART. 6. Le Gouvernement Français et le Gouvernement des Etats Unis s'engagent réciproquement à se communiquer par l'intermediaire des legations respectives, les documens, titres, ou renseignemens propres à faciliter l'examen et la liquidation des réclamations comprises dans les stipulations de la présente convention.

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ART. 7. The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates, by the gallon, (such as it is used at present for wines in the United States,) to wit, six cents for red wines in casks; ten cents for white wines in casks; and twenty two cents for wines of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the first of January, 1829, shall be maintained, in case the Government of the United States should think proper to diminish those general rates in a new tariff.

Duties on French wines—Six cts. per gall. on red wines; and Ten cents for white wines, *in casks;* Other wines, 22 cts. *in bottles;*

In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the eighth article of the treaty of cession of Louisiana. *It* engages, moreover, to establish on the *long staple* cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on *short staple* cottons.

Limited to ten years.

Reclamations relative to 8th art. of treaty of cession of Louisiana, abandoned.

Same duties on *long*, as on *short* staple cottons.

ART. 8. The present convention shall be ratified, and the ratifications shall be exchanged at Washington, in the space of eight months, or sooner, if possible.

Ratifications.

In faith of which, the respective plenipotentiaries have signed these articles, and hereto set their seals.

Done at Paris, the fourth day of the month of July, one thousand eight hundred and thirty-one.

W. C. RIVES. [L. S.]

AND WHEREAS the said Convention has been duly ratified on both parts, and the respective ratifications of the same, were exchanged on the second day of February, 1832, at the city of Washington, by Edward Livingston, Secretary of State of the United States, and Louis Charles Serurier, Officer of the Legion of Honor, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the French in the said United States, on the part of their respective Governments:

NOW THEREFORE BE IT KNOWN, THAT I, ANDREW JACKSON, President of the United States of America, have caused the said Convention to be made public to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the U. S., and the citizens thereof.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the seal of the United States to be affixed.

DONE at Washington, the thirteenth day of July, in the year of our Lord one thousand eight hundred and thirty-two, and of the Independence [L. S.] of the United States the fifty seventh. ANDREW JACKSON.

By the President: EDW. LIVINGSTON, *Secretary of State.*

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ART. 7. A partir de l'échange des ratifications de la présente convention les vins de France seront admis à la consommation dans les Etats de l'Union, à des droits qui ne pourront pas excéder par gallon, (tel qu'il est actuellement usité pour les vins aux Etats Unis) savoir, six cents pour les vins rouges en futailles: dix cents pour les vins blancs en futailles; et vingt deux cents pour les vins de toutes sortes en bouteilles. Le rapport dans lequel les droits ainsi réduits sur les vins de France se trouvent avec les taxations générales du tarif mis en vigueur le 1er Janvier, 1829, sera maintenu dans le cas où le Gouvernement des Etats Unis jugerait à propos de diminuer dans un nouveau tarif ces taxations générales.

Au moyen de cette stipulation qui demeurera obligatoire pour les Etats Unis pendant dix années, le Gouvernement Français abandonne les réclamations qu'il avait elevées relativement à l'exécution de l'article 8 du traité de cession de la Louisiane. Il s'engage en outre, à établir sur les cotons *longue soie* des Etats Unis, qui a compter de l'échange des ratifications de la présente convention seront directement apporteés de ce pays en France par navires des Etats Unis ou par navires Français, les mêmes droits que sur les cotons *courte soie.*

ART. 8. La présente convention sera ratifiée et les ratifications en seront échangées à Washington, dans le terme de huit mois, ou plustôt si faire se peut

En foi de quoi, les plénipotentiaires respectifs l'ont signée et y ont apposé leurs cachets.

Fait à Paris, le quatrième jour du mois de Juillet, de l'année mil huit cent trente et un.

HORACE SEBASTIANI. [L. S.]

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1829.
August 27.

TREATY WITH AUSTRIA.

By the President of the United States of America. A Proclamation.

WHEREAS a Treaty of Commerce and Navigation between the United States of America, and his majesty the Emperor of Austria, was concluded and signed at Washington, on the twenty-seventh day of August, in the year of our Lord one thousand eight hundred and twenty-nine, which Treaty is, word for word, as follows:

Austria.

Treaty of Commerce and Navigation between the United States of America, and his Majesty the Emperor of Austria.

The United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by

Entire freedom of navigation.

adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the

Negotiators.

United States has conferred full powers on MARTIN VAN BUREN, their Secretary of State; and His Majesty the Emperor of Austria has conferred like powers on LEWIS, BARON DE LEDERER, his said Majesty's Consul for the port of New York, and the said Plenipotentiaries having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

Reciprocal liberty of commerce.

ART. 1. There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their commercial affairs; and they shall enjoy, to that effect, the same security, protection and privileges as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

Tonnage duties &c. same as the national vessels of both parties.

ART. 2. Austrian vessels arriving, either laden or in ballast, in the ports of the United States of America, and, reciprocally, vessels of the United States arriving, either laden, or in ballast, in the ports of the dominions of Austria, shall

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be treated on their entrance, during their stay and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, lighthouses, pilotage and port charges, as well as to the fees and perquisites of public officers and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

Duties, &c. on the merchandise of each, to be the same; and

ART. 3 All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the dominions of Austria, in Austrian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Austrian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the dominions of Austria, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Austrian vessels, without paying other or higher duties or charges, of whatever kind or denomination levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

fully applicable to both parties.

ART. 4. To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Austrian vessels and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes arriving in the ports of the dominions of Austria, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

Import duties, to be imposed alike on both nations.

ART. 5. No higher or other duties shall be imposed on the importation into the United States, of any article the produce or manufacture of the dominions of Austria; and no higher or other duties shall be imposed on the importation into the dominions of Austria, of any article the produce or manufacture of the United States, than are, or shall be paya-

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ble on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the dominions of Austria, to or from the ports of the United States, or to or from the ports of the dominions of Austria, which shall not equally extend to all other nations.

Prohibition to extend to all other nations.

Exports same to both.

ART. 6. All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported or re-exported from the ports of the said United States, in national vessels, may also be exported, or re-exported therefrom in Austrian vessels, without paying other, or higher duties or charges of whatever kind or denomination, levied in the name or the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported or re-exported, in vessels of the United States of America.

Exact reciprocity.

An exact reciprocity shall be observed in the ports of the dominions of Austria, so that all kinds of merchandise and articles of commerce, either the produce of the soil or of the industry of the said dominions of Austria, or of any other country, which may be lawfully exported or re-exported, from Austrian ports, in national vessels, may also be exported or re-exported therefrom, in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported, or re-exported, in Austrian vessels.

Bounties and drawbacks same to each.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party, or of the other.

Coastwise navigation excepted

ART. 7. It is expressly understood and agreed that the coastwise navigation of both the contracting parties, is altogether excepted from the operation of this treaty, and of every article thereof.

Preference not to be given.

ART. 8. No priority or preference shall be given, directly, or indirectly, by either of the contracting parties, nor by any Company, Corporation or Agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to

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the character of the vessel, whether it be of the one party or of the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

Particular favors to be common to both parties.

ART 9. If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

Liberty of consuls granted.

ART. 10. The two contracting parties hereby reciprocally grant to each other, the liberty of having, each in the ports of the other, Consuls Vice-Consuls, Agents and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation are subject in the same place, in respect of their commercial transactions.

Personal goods may be disposed of, by testament or donation, &c. but—

ART. 11. The citizens or subjects of each party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to their personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues, taxes or charges, only, as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative such care shall be taken of the said goods as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if any question should arise among several claimants, to which of them the goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. But this article shall not derogate, in any manner, from the force of the laws already published, or hereafter to be published by His Majesty the Emperor of Austria, to prevent the emigration of his subjects.

not to affect his majesty's laws, relative to emigration.

Limited to ten years; and may then expire on giving one years notice.

ART. 12 The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratification; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced by an official notification to the other, its intention to arrest

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the operation of said treaty, it shall remain binding one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification whatever the time at which it may take place.

Ratification.

ART. 13. This Treaty shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof; and by His Majesty the Emperor, of Austria; and the ratifications shall be exchanged in the City of Washington, within twelve months from the date of the signature hereof, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed and sealed this Treaty, both in the English and German languages, declaring, however, that, it having been originally composed in the former, the English version is to decide the interpretation, should any difference in regard to it, unfortunately, arise.

Done in triplicate, at Washington, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and twenty-nine.

M. VAN BUREN. [L. S.]
L. BARON DE LEDERER [L. S.]

And whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were this day exchanged at the City of Washington by Martin Van Buren, Secretary of State of the United States, and Louis, Baron de Lederer, Consul General of His Majesty the Emperor of Austria, in the said United States, on the part of their respective Governments;

Now, therefore, be it known that I, ANDREW JACKSON, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every clause and article thereof, may be observed and fulfilled with good faith by the United States and citizens thereof.

In witness whereof I have hereunto set my hand, and caused the [L. S.] seal of the United States to be affixed.

Done at the City of Washington, the tenth day of Febuary in the year of our Lord one thousand eight hundred and thirty-one, and of the Independence of the United States of America the fifty-fifth.

ANDREW JACKSON.

By the President:
M. VAN BUREN,
Secretary of State.

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1832.
December 6.

TREATY WITH RUSSIA.

By the President of the United States of America. A Proclamation.

Whereas, a treaty of navigation and commerce, between the United States of America and His Majesty the Emperor of all the Russias—together with a separate article thereto—was concluded and signed at St. Petersburg, on the sixth sixteenth day of December, in the year of our Lord one thousand eight hundred and thirty-two, which treaty and separate article, are, word for word, as follows:—

In the name of the most Holy and Indivisible Trinity:

The United States of America, and His Majesty the Emperor of all the Russias, equally animated with the desire of maintaining the relations of good understanding, which have hitherto so happily subsisted between their respective states, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce: for which purpose the President of the United States has conferred full powers on James Buchanan, their Envoy Extraordinary and Minister Plenipotentiary, near His Imperial Majesty; and His Majesty the Emperor of all the Russias has conferred like powers on the Sieur Charles Robert Count de Nesselrode, His Vice Chancellor, Knight of the Orders of Russia, and of

Au nom de la très sainte et indivisible Trinité:

Les Etats Unis d'Amerique et Sa Majesté L'Empereur de toutes les Russies, également animés du désir de maintenir les rapports de bonne intelligence qui ont si heureusement subsisté jusqu'ici entre leurs Etats respectifs, et d'en étendre et consolider les relations commerciales, sont convenus d'entrer en negociation pour conclure un traité de commerce et de navigation: A cet éffet, le Président des Etats Unis a muni de ses pleins pouvoirs le Sieur James Buchanan, Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats Unis près Sa Majesté Impériale, et Sa Majesté L'Empereur de toutes les Russies a muni des mêmes pouvoirs, le Sieur Charles Robert Comté de Nesselrode, son Vice Chancellier, Chevalier des Ordres de Russie et de plusieurs autres, &c. lesquels Plénipotentiaires,

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après avoir échangé leurs Pleinspouvoirs, trouvés en bonne et due forme, ont arrêté et signé les articles suivans:—

ART. 1. Il y aura entre les territoires des Hautes Parties Contractantes, liberté et réciprocité de commerce et de navigation. Les habitans de leurs Etats respectifs pourront réciproquement entrer dans les ports, places, et rivières des territoires de chacune d'elles, partout où le commerce étranger est permi. Ils seront libres de s'y arrêter et résider dans quelque partie que ce soit des dits territoires pour y vaquer à leurs affaires; et ils jouiront à cet éffet de la même securité et protection que les habitans du pays, dans lequel ils resideront, à charge de se soumettre aux lois et ordonnances y établies, et en particulier aux réglemens de commerce en vigueur.

ART. 2. Les bâtimens Russes, arrivant sur lest ou chargés dans les ports des Etats Unis d'Amérique, et réciproquement les bâtimens des Etats Unis arrivant sur lest ou chargé dans les ports de l'Empire de Russie, seront traités à leur entrée, pendant leur séjour, et à leur sortie, sur le même pied, que les bâtimens nationaux, venant du même lieu, par rapport aux droits de tonnage. Pour ce qui concerne les droits de fanaux, de pilotage et de port, ainsi que les vacations des officiers publics, et tout autre droit ou charge, de quelque espèce ou dénomination que ce soit, perçu des bâtimens de commerce, au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, les Hautes Parties Contractantes se traiteront réciproquement sur le pied des nations les plus favorisées avec lesquelles elles n'ont pas de traité actuellement en vigueur, qui règle les dits droits et charges sur la base d'une entière réciprocité.

ART. 3. Toute espèce de marchandises et objets de commerce qui pourront légalement être importés dans les ports de l'Empire de Russie sur des bâtimens Russes, pourront également y être importés sur des bâtimens des Etats Unis d'Amerique, sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que s'ils étaient importés sur des bâtimens Russes. Et réciproquement, tout espéce de marchandises et objets de commerce qui pourront légalement être importés dans les ports des Etats Unis d'Amérique sur les bâtimens des dits Etats, pourront égale-

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many others, &c.: and the said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles:—

Reciprocal liberty of commerce and navigation.

ART. 1. There shall be between the territories of the High Contracting Parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective states shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Tonnage duties on the same footing as national vessels.

ART. 2. Russian vessels arriving either laden or in ballast, in the ports of the United States of America, and, reciprocally vessels of the United States arriving, either laden or in ballast, in the ports of the Empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage. In regard to light-house duties, pilotage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the government, the local authorities, or of any private establishments whatsoever, the High Contracting Parties shall reciprocally treat each other upon the footing of the most favored nations with whom they have not treaties now actually in force regulating the said duties and charges on the basis of an entire reciprocity.

Importation of merchandise reciprocal—same duties or charges mutual.

ART. 3. All kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the Empire of Russia in Russian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit, of the government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been imported in Russian vessels. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America, in vessels of the said States, may, also, be so im-

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ment y être importés sur des bâtimens Russes, sans payer d'autres ou de plus forts droits ou charges de quelque espèce ou dénomination que ce soit, perçu au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que s'ils étaient importés sur des bâtimens des Etats Unis d'Amérique.

Art. 4. Il est entendu que les stipulations contenues dans les deux articles précédens, sont, dans toute leur plénitude, applicables aux bâtimens Russes et leurs cargaisons, arrivant dans les ports des Etats Unis d'Amérique; et réciproquement aux bâtimens des dits Etats et leurs cargaisons, arrivant dans les ports de l'Empire de Russie, soit que les dits bâtimens viennent des ports du pays, auquel ils appartiennent, soit de ceux de tout autre pays étranger.

Art. 5. Toute espèce de marchandises et objets de commerce, qui pourront être légalement exportés des ports des Etats Unis d'Amerique sur des bâtimens nationaux, pourront également en être exportés sur des bâtimens Russes, sans payer d'autres ni de plus forts droits, ou charges, de quelque espèce ou dénomination que ce soit, perçus, au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que si ces mêmes marchandises ou denrés étaient exportés par des bâtimens des Etats Unis d'Amérique. Et réciproquement, toute espéce de marchandise et objets de commerce qui pourront être légalement exportés des ports de l'Empire de Russie, sur des bâtimens nationaux, pourront également en être exportés sur des bâtimens des Etats Unis d'Amérique, sans payer d'autres ou de plus forts droits ou charges, de quelque espèce ou dénomination que ce soit, perçus au nom ou au profit du gouvernement, des autorités locales, ou d'établissemens particuliers quelconques, que si ces marchandises ou denrées étaient exportées sur des bâtimens Russes.

Art. 6. Il ne sera imposé d'autres ni de plus forts droits sur l'importation dans les Etats Unis des articles, provenant du sol ou de l'industrie de l'Empire de Russie; et il ne sera imposé d'autres ni de plus forts droits sur l'importation dans l'Empire de Russie, des articles provenant du sol ou de l'industrie des Etats Unis, que ceux qui sont ou seront imposés sur les mêmes articles provenant du sol ou de l'industrie de tout autre pays étranger. De même, il ne sera imposé sur l'importation ou sur l'exportation des articles provenant du sol ou de l'industrie des Etats Unis ou de l'Empire de Russie, à l'entrée ou à la sortie des ports des Etats Unis, ou de ceux de l'Empire de Russie, aucune prohibition, qui ne soit pas également applicable á toute autre nation.

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ported in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

Two preceding articles applicable to ports of foreign countries as well as those of both.

ART. 4. It is understood that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Russian vessels and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

Exportation of merchandise also reciprocal as to duties, &c.

ART. 5. All kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels, may, also, be exported therefrom in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce, had been exported in vessels of the United States of America. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the Empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

Importation duties to be mutual.

ART. 6. No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Russia; and no higher or other duties shall be imposed on the importation into the Empire of Russia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States or of Russia, to, or from the ports of the United States, or to, or from the ports of the Russian Empire, which shall not equally extend to all other nations.

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ART. 7. Il est expressément entendu que les articles précédens 2, 3, 4, 5, et 6, ne sont point applicables à la navigation de côte ou cabotage de chacun des deux pays, que l'une et l'autre des Hautes Parties Contractantes se réservent exclusivement.

ART. 8. Les deux Parties Contractantes auront la faculté d'avoir dans leurs ports respectifs des Consuls, Vice Consuls, Agens et Commissaires de leur choix, qui jouiront des mêmes privilèges et pouvoirs dont jouissent ceux des nations les plus favorisées; mais dans le cas ou les dits Consuls veulent faire le commerce, ils seront soumis aux mêmes lois et usages auxquels sont soumis les particuliers de leur nation à l'endroit où il resident.

Les Consuls, Vice Consuls, et Agens Commerciaux auront le droit, comme tels, de servir de juges et d'arbitres dans les différends qui pourraient s'élever entre les capitaines et les équipages des bâtimens de la nation, dont ils soignent les intérêts sans que les autorités locales puissent y intervenir, à moins que la conduite des équipages, ou du capitaine ne troublât l'ordre ou la tranquillité du pays, ou que les dits Consuls, Vice Consuls ou Agens Commerciaux, ne requissent leur intervention pour faire exécuter ou maintenir leurs décisions; bien entendu que cette espèce de jugement ou d'arbitrage ne saurait pourtant priver les parties contendantes du droit qu'elles ont à leur retour, de recourir aux autorités judiciaires de leur pays.

ART. 9. Les dits Consuls, Vice Consuls ou Agens Commerciaux sont autorisés à réquérir l'assistance des autorités locales pour la recherche, l'arrestation, la détention et l'emprisonnement des déserteurs, des navires de guerre et marchands de leur pays, ils s'addresseront pour cet objet, aux tribunaux, juges et officiers compétens, et réclameront par écrit, les deserteurs sus-mentionnés, prouvant par la communication des régistres de navires, ou rôle de l'équipage, ou par d'autres documens officiels, que de tels individus, ont fait partie des dits équipages, et cette réclamation ainsi prouvée, l'extradition ne sera point refusée.

De tels déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition des dits Consuls, Vice Consuls ou Agens Commerciaux, et pourront être enfermés dans les prisons publiques, à la réquisition et aux frais de ceux qui les réclament, pour être détenus jusqu' au moment, où ils seront rendus aux navires, auxquels ils appartenaient, ou renvoyés dans leur patrie par un bâtiment de la même nation ou un autre

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ART. 7. It is expressly understood that the preceding articles 2, 3, 4, 5, and 6, shall not be applicable to the coastwise navigation of either of the two countries, which each of the High Contracting Parties reserves exclusive to itself.

Coastwise navigation reserved.

ART. 8. The two Contracting Parties shall have the liberty of having in their respective ports, Consuls, Vice Consuls, Agents and Commissaries, of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations; but if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

Consuls to be admitted.

The Consuls, Vice Consuls, and Commercial Agents, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or the tranquillity of the country, or the said Consuls, Vice Consuls, or Commercial Agents, should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return, to the judicial authority of their country.

To sit as judges and arbitrators.

ART. 9. The said Consuls, Vice Consuls and Commercial Agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Arrest of deserters.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country, by a vessel of the same nation, or any other vessel whatsoever. But

To be placed at the disposal of Consuls.

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bâtiment quelconque. Mais s'ils ne sont pas renvoyés dans l'éspace de quatre mois, à compter du jour de leur arrestation, ils seront mis en liberté et ne seront plus arrêtés pour la même cause.

Toutefois, si le déserteur se trouvait avoir commis quelque crime ou délit, il pourra être sursis à son extradition jusqu'à ce que le tribunal nanti de l'affaire, aura rendu sa sentence, et que celle-ci ait reçu son exécution.

ART. 10. Les citoyens et sujets de chacune des Hautes Parties Contractantes auront dans les états de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation ou autrement; et leurs héritiers, étant citoyens ou sujets de l'autre Partie Contractante, succederont à leurs biens, soit en vertu d'un testament, soit *ab intestato*, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposeront à *volonté*, en ne payant, au profit des gouvernmens respectifs, d'autres droits, que ceux, auxquels les habitans du pays ou se trouvent les dits biens, sont assujettis en pareille occasion. En cas d'absence des héritiers, on prendra provisoirement des dits biens les mêmes soins, qu'on aurait pris en pareille occasion, des biens des natifs du même pays, jusqu'à ce que le proprietaire légitime ait pris des arrangemens pour receuillir l'heritage. S'il s'élève des contestations entre les différens pretendans ayant droit à la succession, elles seront décidées en dernier resort, selon les lois et par les juges du pays ou la succession est vacante. Et si, par la mort de quelque personne possédant des biens fonds sur le territoire de l'une des Hautes Parties Contractantes, ces bien fonds venaient à passer, selon les lois du pays, à un citoyen ou sujet de l'autre partie, et que celui-ci, par sa qualité d'étranger, fut inhabile à les posséder, il jouira du délai fixé par les lois du pays, et dans le cas où les lois du pays actuellement existante n'en fixeraient aucun, il obtiendra un delai convenable pour vendre ces biens-fonds et pour en retirer et exporter le produit sans obstacle et sans payer au profit des gouvernemens respectifs, d'autres droits que ceux auquels les habitans du pays où se trouve les biens-fonds, sont assujettis en pareille occasion. Mais cet article ne derogera en aucune manière à la force des lois qui ont déja été publiées, ou qui pourraient l'être par la suite, par Sa Majesté L'Empereur de toutes les Russies, pour prévenir l'émigration de ses sujets.

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if not sent back within four months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried in effect.

Personal effects may be disposed of by testament, &c.

ART. 10. The citizens and subjects of each of the High Contracting Parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*; and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at will, paying to the profit of the respective governments, such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided, finally, by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of one of the High Contracting Parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who by reason of alienage may be incapable of holding it, he shall be allowed the time fixed by the laws of the country, and in case the laws of the country actually in force, may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective governments any other dues than those to which the inhabitants of the country wherein said real estate is situated, shall be subject to pay, in like cases. But this article shall not derogate, in any manner, from the force of the laws already published, or which may hereafter be published by His Majesty the Emperor of all the Russias, to prevent the emigration of his subjects.

Disputes to be decided by the laws where the judges are.

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ART. 11. Si l'une des Parties Contractantes accorde par la suite à d'autres nations quelque faveur particulière en fait de commerce ou de navigation, cette faveur deviendra aussitôt commune à l'autre partie, qui en jouira gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionelle.

ART. 12. Le présent traité dont l'éffet s'étendra également au Royaume de Pologne, pour autant qu'il peut lui être applicable, restera en vigueur jusqu'au 1ier Janvier de l'an de Grace 1839, et si un an avant ce terme, l'un des Hautes Parties Contractantes, n'avait pas annoncé à l'autre, par une notification officielle, son intention d'en faire cesser l'éffet, ce traité restera obligatoire une année au delà et ainsi de suite, jusqu'à l'expiration de l'année qui commencera après la date d'une semblable notification.

ART. 13. Le présent traité sera approuvé *et ratifié* par le président des Etats Unis d'Amérique, par et avec l'avis et le consentement du Sénat des dits Etats, et par Sa Majesté L'Empereur de toutes les Russies; et les ratifications en seront échangées en la ville de Washington dans l'espace d'un an, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs ont signé le present traité en duplicata, et y ont apposé le cachet de leurs armes. Fait á Saint Petersbourg le $\frac{\text{six}}{\text{dixhuit}}$ Décembre l'an de grace milhuit cent trente-deux.

[L. S.] CHARLES COMTE DE NESSELRODE.

ARTICLE SEPARE.

Des rapports de voisinage et des engagemens antérieurs, ayant mis le Gouvernement Impérial dans le cas de régler les relations commerciales de la Russie avec la Prusse, et les Royaumes de Suède et de Norvège, par des stipulations spéciales, actuellement en vigueur, et qui pourront être renouvelées dans la suite, sans que les dites stipulations soient liées aux reglemens existans pour le commerce étranger en général, les deux Hautes Parties Contractantes, voulant écarter de leurs relations commerciales toute espèce d'équivoque ou de motif de discussion, sont tombées d'accord, que ces stipulations spéciales accordées au commerce de la Prusse, de la Suède et de la Norvège, en considération d'avantages équivalens, accordés dans ces pays, d'une part au commerce du Royaume de Pologne, de l'autre à celui du Grand Duché de

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ART. 11. If either party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

Favors in commerce to be mutual.

ART. 12. The present treaty, of which the effect shall extend, in like manner, to the Kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand eight hundred and thirty-nine, and if one year before that day, one of the High Contracting Parties, shall not have announced to the other, by an official notification, its intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on, until the expiration of the year which shall commence after the date of a similar notification.

Effect of this treaty not to extend to Poland.

ART. 13. The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the Emperor of all the Russias, and the ratifications shall be exchanged in the city of Washington within the space of one year, or sooner if possible.

Ratifications to be exchanged within one year

In faith whereof, the respective Plenipotentiaries have signed the present treaty, in duplicate, and affixed thereto the seal of their arms. Done at St. Petersburg the sixth eighteenth December, in the year of Grace one thousand eight hundred and thirty-two.

[L. S.] JAMES BUCHANAN.

SEPARATE ARTICLE.

Commercial relations with *Prussia, Sweden, Norway and Finland* excepted.

Certain relations of proximity, and anterior engagements, having rendered it necessary for the Imperial Government to regulate the commercial relations of Russia with Prussia and the Kingdoms of Sweden and Norway by special stipulations, now actually in force, and which may be renewed hereafter; which stipulations are, in no manner, connected with the existing regulations for foreign commerce in general; the two High Contracting Parties, wishing to remove from their commercial relations every kind of ambiguity or subject of discussion, have agreed, that the special stipulations granted to the commerce of Prussia and of Sweden and Norway, in consideration of equivalent advantages granted in these countries, by the one to the commerce of the Kingdom of Poland, and by the other to that of the Grand Dutchy of Finland, shall not,

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Finlande, ne pourront dans aucun cas être invoquées en faveur des relations de commerce et de navigation, sanctionneé, entre les deux Hautes Parties Contractantes par le présent traité.

Le présent article séparé aura la même force et valeur que s'il était inséré mot à mot dans le traité signé aujourd'hui, et sera ratifié en même temps.

En foi de quoi, nous, soussignés en vertu de nos pleinspouvoirs respectifs, avons signé le présent article séparé, et y avons apposé le cachet de nos armes.

Fait à Saint Pétersbourg le $\frac{\text{six}}{\text{dixhuit}}$ Décember, l'an de Grace mil huit cent trente-deux.

[L. S.] CHARLES COMTE DE NESSELRODE.

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in any case, be invoked in favor of the relations of commerce and navigation, sanctioned between the two High Contracting Parties by the present treaty. 1832. December 6.

The present separate article shall have the same force and value as if it were inserted, word for word, in the treaty signed this day, and shall be ratified at the same time.

In faith whereof, we, the undersigned, by virtue of our respective full powers, have signed the present separate article, and affixed thereto the seals of our arms.

Done at Saint Petersburg, the ~~sixth~~ eighteenth of December, in the year of Grace one thousand eight hundred and thirty-two.

[L. S.] JAMES BUCHANAN.

And whereas the said treaty and separate article have been duly ratified on both parts, and the respective ratifications of the same were, this day, exchanged at the City of Washington, by Edward Livingston, Secretary of State of the United States, and the Baron de Krudener, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias, in the said United States, on the part of their respective Governments:

Now, therefore, be it known, that I, ANDREW JACKSON, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, the eleventh day of May, in the year of our Lord one thousand eight hundred and thirty-three, and of the independence of the United States the fifty-seventh.

[L. S.]

ANDREW JACKSON.

By the President:

EDW. LIVINGSTON, *Secretary of State.*

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1832.
October 14.

TREATY WITH THE TWO SICILIES.

CONVENTION *between the government of the United States of America, and his Majesty the King of the Kingdom of the Two Sicilies, to terminate the reclamations of said Government for the depredations inflicted upon the American commerce by Murat, during the years* 1809, 1810, 1811, *and* 1812.

Object—indemnification for depredations.

The Government of the United States of America, and his Majesty the King of the Kingdom of the Two Sicilies, desiring to terminate the reclamations advanced by said Government against his said Majesty, in order that the merchants of the United States may be indemnified for the losses inflicted upon them by Murat, by the depredations, seizures, confiscations, and destruction of their vessels and cargoes, during the years 1809, 1810, 1811, and 1812, and his Sicilian Majesty desiring thereby to strengthen with the said Government the bonds of that harmony not hitherto disturbed, the said Government of the United States, and his aforesaid Majesty, the King of the kingdom of the Two Sicilies, have with one accord, resolved to come to an adjustment, to effectuate which, they have respectively named, and furnished with the necessary powers, viz. The said Government of the United States, John Nelson, esquire, a citizen of said States, and their Chargé d'Affaires near his Majesty the King of the kingdom of the Two Sicilies; and his majesty, his excellency D. Antonio Maria Statella, Prince of Cassaro, Marquis of Spaccaforno, Count Statella, &c. &c. &c., his said Majesty's Minister, Secretary of State for Foreign Affairs, &c. &c., who, after the exchange of their respective full powers, found in good and due form, have agreed to the following articles:

Negotiators.

ART. 1. His Majesty the King of the kingdom of the Two Sicilies, with a view to satisfy the aforesaid reclamations for the depredations, sequestrations, confiscations, and destruction of the vessels and cargoes of the merchants of the United States, (and for every expense of every kind whatsoever, inci-

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dent to, or growing out of, the same) inflicted by Murat during the years 1809, 1810, 1811, and 1812, obliges himself to pay the sum of two millions one hundred and fifteen thousand Neapolitan ducats to the Government of the United States; seven thousand six hundred and seventy-nine ducats, part thereof, to be applied to reimburse the said government for the expense incurred by it in the transportation of American seamen from the kingdom of Naples during the year 1810, and the residue to be distributed amongst the claimants by the said Government of the United States, in such manner, and according to such rules, as it may prescribe.

2,115,000 Neapolitan ducats, in satisfaction.

ART. 2. The sum of two millions one hundred and fifteen thousand Neapolitan ducats agreed on in article the first, shall be paid in Naples, in nine equal instalments of two hundred and thirty-five thousand ducats, and with interest thereon at the rate of four per centum per annum, to be calculated from the date of the interchange of the ratifications of this convention, until the whole sum shall be paid. The first instalment shall be payable twelve months after the exchange of the said ratifications, and the remaining instalments, with the interest, successively, one year after another. The said payments shall be made in Naples into the hands such persons as shall be duly authorized by the Government of the United States to receive the same.

In 9 equal instalments, with interest yearly.

ART. 3. The present convention shall be ratified, and the ratifications thereof shall be exchanged in this capital in the space of eight months from this date, or sooner, if possible.

In faith whereof, the parties above named have respectively subscribed these articles, and thereto affixed their seals. Done at Naples, on the fourteenth day of October, one thousand eight hundred and thirty-two.

JOHN NELSON. [SEAL.]
THE PRINCE OF CASSARO. [SEAL.]

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AN ACT *to carry into effect the Convention between the United States and his Majesty the King of the Two Sicilies, concluded at Naples on the fourteenth day of October, one thousand and eight hundred and thirty-two.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States, by and with the advice and consent of the Senate, shall appoint three Commissioners, who shall form a board, whose duty it shall be to receive and examine all claims which may be presented to them under the Convention between the United States and the King of the Two Sicilies of the fourteenth day of October, one thousand eight hundred and thirty-two, which are provided for by the said Convention, according to the provisions of the same, and the principles of justice, equity, and the law of nations. The said board shall have a Secretary, versed in the French and Italian languages, and a clerk, both to be appointed by the President, by and with the advice and consent of the Senate; and the Commissioners, Secretary and Clerk, shall, before they enter on the duties of their offices, take oath well and faithfully to perform the duties thereof.

Duties.

Secretary and clerk.

Oath.

SEC. 2. *And be it further enacted,* That the said Commissioners, shall be, and they are hereby, authorized to make all needful rules and regulations, not contravening the laws of the land, the provisions of this act, or the provisions of the said Convention, for carrying their said Commission into full and complete effect.

Rules and regulations.

SEC. 3. *And be it further enacted,* That the members of the board so constituted shall meet at the city of Washington, and their salaries shall begin to be allowed within thirty days after the exchange of the ratifications of the Convention shall have been proclaimed by the President of the United States; and, within one year from the time of the said meeting, they shall terminate their duties. And the Secretary of State is required as soon as the said proclamation of the President shall have been made, to give notice of the said meeting, to be published in two newspapers in Washington, and in such other papers as he may think proper.

Board to meet within 30 days after exchange of ratifications, &c.—Notice

SEC. 4. *And be it further enacted,* That all records, documents, or other papers which now are in, or hereafter during

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the continuance of this commission may come into the possession of the Department of State, in relation to such claims shall be delivered to the commission aforesaid.

Compensation.

Sec. 5. *And be it further enacted*, That the compensation of the respective officers, for whose appointment provision is made by this act, shall not exceed the following sums, namely: to each of the said commissioners, at the rate of three thousand dollars per annum; to the Secretary of the board, at the rate of two thousand dollars per annum; and to the clerk, at the rate of fifteen hundred dollars per annum. And the President of the United States shall be, and he is hereby, authorized to make such provision for the contingent expenses of the said commission, as shall appear to him reasonable and proper; and the said salaries and expenses shall be paid out of any money in the Treasury, not otherwise appropriated.

Contingent expenses.

Appropriation.

Awards to be reported.

Sec. 6. *And be it further enacted*, That the said commissioners shall report to the secretary of state a list of all the several awards made by them, a certified copy thereof shall be by him transmitted to the Secretary of the Treasury, who shall thereupon distribute in rateable proportions, among the persons in whose favor the awards shall have been made, such moneys as may have been received into the Treasury in virtue of this act, according to the proportions which their respective awards shall bear to the whole amount then received, first deducting such sums of money as may be due the United States from said persons in whose favor said awards shall be made; and shall cause certificates to be issued by the Secretary of the Treasury, in such form as he may prescribe, showing the proportion to which each may be entitled of the amount that may thereafter be received; and on the presentation of the said certificates at the Treasury, as the nett proceeds of the general instalments, payable by the Neapolitan Government, shall have been received, such proportions thereof shall be paid to the legal holders of the said certificates.

Distribution of monies received.

Certificates.

Payments to holders.

Instalments to be received, &c

Sec. 7. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, to cause the several instalments, with the interest thereon, payable to the United States, in virtue of the said Convention, to be received from the Neapolitan Government, and transferred to the United States, in such manner as he may deem best, and the nett proceeds thereof to be paid into the Treasury, and the same are hereby appropriated, to satisfy the awards herein provided for.

Appropriation

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SEC. 8. *And be it further enacted*, That all communications to and from the Secretary of the Board of Commissioners, on the business of Commission, shall pass by mail, free of postage.

SEC. 9. *And be it further enacted*, That as soon as said Commission shall be executed and completed, the records, documents, and all other papers, in the possession of the commission or its officers, shall be deposited in the office of the Secretary of State.

[*Approved, March* 2, 1833.]

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Treaty of Indemnity with the Two Sicilies.

[Note—Italian Copy.]

1832. Ottobre 14.

Sua Maestà il Re del Regno delle Due Siclie, ed il Governo degli Stati Uniti di America, desiderando di porre finalmente un termine, alle reclamazioni avanzate dal detto Governo, presso la Maestà Sua, perche i negozianti di essi Stati fossero rifatti delle perdite, recate loro da Murat, per le prede, sequestro, confische, e distruzione dei bastimenti, e dei carichi de loro proprietá negli anni 1809, 1810, 1811 e 1812, e volendo con ciò vieppiu stringere la Maestà Sua col cennato Governo degli Stati Uniti i legami di buona armonia non mai turbatti per lo addietro, la prelodata Maestà Sui il Re del Regno delle Due Sicilie, ed il Governo degli Stati Uniti hanno concordemente risoluto di venire ad un aggiustamento, a termirare il quale hanno nominati, e muniti delle necessarie Plenipotenze, cioe:

Sua Maestà il Re del Regno delle Due Sicilie, Sua Eccelenza D. Antonio Maria Statella Principe di Cassaro, Marchese di Spaccaforno, Conte Statella, &c. &c.: ed il Governo degli Stati Uniti di America il Signor Giovanni Nelson, Suo Incaricato di Affari presso questa Real Corte; i quali dopo il Cambio delle respettive loro Plenpotenze, e queste trovate in buona e dibata forma hanno convenuto dei sequenti Arti. coli:

Artº. 1º. Sua Maestà il Re del Regno Delle dueSicilie ad oggetto di far tacere le succennate reclamazioni per le prede, sequestre, confische e distruzione dei bastimenti e deiCariche dei negozianti degliStati Unit[1] recata da Murat, negli anni 1809, 1810, 1811 e 1812 (e per qualunque altra spesa incidente o derivante dalle anzidette cagioni) si obbliga di pagare la somma di Ducati Napolitani, due milioni cento quindici mila, al Governo degli Stati Uniti; cioe, settemila seicento settanta nove Ducati, a titolo di rimborso al detto Governo, per ispese da esso fatte per transporto di diversi marineri Americani nell'anno 1810, dal Regno di Napoli nell' America, ed il remanente da dividersi ai reclamanti dal succennato Governo degli Stati Uniti, nel modo, e secondo che esso stimera opportuno di determinare.

Artº. 2º. La Somma dei due milioni cento quindici mila Ducati Napolitani, convenuta nell Artieolo 1º. sara soddisfatta in Napoli,

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in nove rate equali, ciascuna de Ducati dugento trenta cinque mila, coll' interesse a scalare del quattro per cento, da percepirsi dall' epoca del cambio delle ratifiche di questa Convenzione, sino all' estinzione dell' intesa somma. Il primo pagamento sarà fatto dodici mesi dopo il cambio di dette ratifiche, ed i rimanenti successivamente un anno dopo l'altro. Questi pagamenti saranno fatti in Napoli nelle mani di chi sara all uopo autorizato dal Governo degli Stati Uniti.

ART.° 3.° La presente Convenzione sarà ratificata, e le ratifiche saranno cambiate in questa Capitale, nello spazio di otto mesi da questa data, o piu presto se fia possibile.

En fede di che, le Parti di sopra accennate, hanno rispettivamente firmato questi Articoli, e vi hanno apposto i loro suggelli.

Data in Napoli a di 14 di Ottobre, mille ottocento trenta due.

IL PRINCIPE DI CASSARO, [L. S.]

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